HC 1757 6

RULES AND REGULATIONS

POLICE DEPARTMENT

CITY OF BOSTON

1921

ERRATA

Rule 5, page 45: Strike out "Broadway near C street, South Boston," and insert "Corner of D and Athens streets, South Boston," in place thereof.

Rule 12, page 60: Strike out the words, "private detectives" in the second line of section 3.

Rule 28, section 6, page 93: Strike out in sub-division A, the words, "private detectives" in the first line, top of page 93. Add at the end of sub-division B, the figure, "6. Manifold book and index." Strike out in sub-division C "5. Record of missing persons." "11. Manifold book and index." Renumber 6, 7, 8, 9 and 10, respectively, as 5, 6, 7, 8, 9.

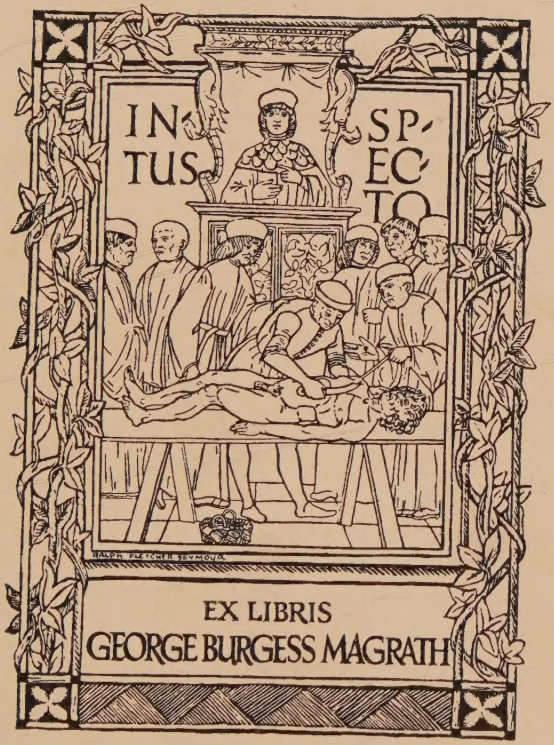
Rule 44, page 136: Strike out in paragraph B of section 25, in lines 23 and 24, the figures, "6, 11, 12, 15, 17, 18," and insert the figure, "19," so as to read "7, 9, 10, 13, 14 and 19." Insert in the sixth clause of paragraph B, the figures, "6, 12 and 15," so that it shall read, "1, 2, 3, 4, 5, 6, 8, 12, 15 and 16."

Rule 63, page 193: Strike out in section 7, line 3, the words, "one week," and insert in place thereof the words, "thirty days."

Rule 66, page 201: Strike out the word "fifteen" in the third line of section 4, and insert in place thereof the word "sixteen."

Index, page 235: Strike out under heading "Chief Clerk" the words, "To have charge of stationery and printing . . . . 63."

G.B.M.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RULES AND REGULATIONS

FOR THE

GOVERNMENT OF THE

POLICE DEPARTMENT

OF THE

CITY OF BOSTON

Boston. Massachusetts.

1921

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The police must be quiet, civil, orderly, and moral in their conduct, character and habits. In the performance of their duty they must be attentive and zealous, control their tempers and exercise the utmost patience and discretion. They must at all times refrain from harsh, violent, coarse, obscene and profane language; when asked a question, they shall answer not in a short and careless manner but with all possible attention and courtesy, at the same time avoiding as much as possible entering into unnecessary conversation. They shall, when in uniform, keep their numbers in sight, and in a respectful manner, give their names and numbers to all persons who inquire.— *Rule 36, section 1.*

They must be particularly careful not to interfere idly or unnecessarily. When required to act they shall do so with energy and decision; and in the proper exercise of their authority they will receive the fullest support.— *Rule 36, section 5.*

Police Commissioner for the City of Boston,

EDWIN U. CURTIS.

Secretary,

JAMES H. DEVLIN.

Superintendent of Police,

MICHAEL H. CROWLEY.

Chief Clerk of the Department,

CAPTAIN THOMAS RYAN.

RULES COMPILED BY

GEORGE LYMAN ROGERS, ESQ.

Headquarters of the Department,

Number 37 Pemberton Square.

Members of the force may hope to rise to higher positions through activity, intelligence and good conduct. As in all other large bodies of men, whether military, industrial or commercial, the great majority must be in the ranks at any given time. The members of the force have the satisfaction, however, of knowing that every advanced position is filled by an officer who began at the bottom; that all advanced positions that exist are theirs; and that promotions are influenced by no consideration whatever except opportunity and the merit of the man.— *Rule 7, section 2.*

The system of discipline seeks to deal with men by hand rather than with machinery; to prove to them that their superiors are guided by common sense and a spirit of fair play and that, though the interest of the public is always first and the interest of the whole department is always second, the comfort, the welfare and the ambitions of the individual members of the force are never forgotten.— *From the Annual Report of the Police Commissioner, 1908.*

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HISTORICAL NOTE.

The office of police is not known to the common law. It is created by statute and, as a statutory office, has attached to it only such powers and duties as are specifically given by statute. In Massachusetts comparatively few new powers are given, the more important ones existing through annexation to the office of the common-law powers and duties of constables. (Dillon Munic. Corp., s. 10; Com. *v.* Dugan, 12 Met. 233; Com. *v.* Hastings, 9 Met. 259.) These latter, however, are so important as to merit some comment in any book of rules intended for the guidance of a police department.

In the common law, a constable is called a "peace" officer or "conservator of the peace." By "peace," as thus used, is meant the tranquillity enjoyed by the citizens of a community where good order reigns among its members. It is the natural right of persons in political society, any intentional violation of which is a breach of the peace. (Davis *v.* Burgess, 54 Mich. 514; State *v.* White, 18 R. I. 473; Beach *v.* Hancock, 27 N. H. 233; Bishop's New Crim. Law I, s. 533; Cooley on Torts, Second Edition, 186.) "Besides actual breaches of the peace, anything which tends to provoke or excite others to break it is an offence of the same denomination." (IV. Bl. Com. 150.) In short, as Blackstone concisely puts it, "Peace is the very end and foundation of civilized society." (I Bl. Com., 349.)

In this capacity of conservator of the public peace the dignity and the responsibility of the office of police chiefly lies.

Speaking generally, the peace of a community is preserved through fear in the minds of those tempted to violate it that they will be caught and punished, and the strength of this restraining influence is, of course, proportionate to the certainty of arrest and punishment. Consequently, almost every state of civilized

society has found it necessary to maintain officers charged with the duty of discovering and arresting offenders and enforcing the laws. It is said that in ancient Rome the public safety was entrusted to a select body of 7,500 men, whose functions corresponded practically with those of the policemen of London. (Dillon's Munic. Corp., Sec. 3a.) In the civilization which produced the common law, this public duty was imposed locally upon officers called constables, selected for the purpose from the inhabitants of the parishes or townships which they served. These officers were armed with very large powers of quelling threatened or incipient breaches of the peace, arresting without warrant, imprisoning, breaking open houses and the like. One of their principal duties was to keep watch and ward, similar in main purpose to the day and night patrol of a police department, "ward, guard or custodian" being chiefly intended for the day to apprehend rioters and robbers on the highway, while "watch" was applicable to the night only. The constable could appoint watchmen at his discretion, who were his deputies and, for the time being, exercised his authority. It is not necessary, however, to detail here all the powers and duties of the common-law constable, since each member of the department, as a statutory donee of most of them, must be presumed to be generally familiar with them.

It is worth noting, however, that the constable was the local representative of the peace of the realm — the King's peace, as it was then called—and was responsible for it; and that it was deemed so important that his office should always be filled that service in it was compulsory and neglect to serve, or to serve satisfactorily, punishable. The constable could not divest himself of his office at will, for reasons which have been stated as follows: —

"As civil officers are appointed for the purpose of exercising the functions of carrying on the operation of government and maintaining public order, a political organization would seem to be impotent which should allow the depositories of this power to throw off their responsibilities at their own pleasure. This, certainly,

is not the doctrine of the common law. In England, a person elected to a municipal office was obliged to accept it and perform its duties, and he subjected himself to a penalty by refusal. An office was regarded as a burden which the appointee was bound in the interests of the community and of good government to bear. From this it followed, of course, that after the office was conferred and assumed, it could not be laid down without the consent of the appointing power. This was required in order that the public interest might suffer no inconvenience for the want of public servants to execute the laws." (U. S. *v.* Edwards, 103 U. S. 471.)

The constable had to be of good character and an actual resident of the parish he served. The office was a personal, not a pecuniary, one. No salary was attached to it. His personal presence in the parish was indispensable, for he was presumed to be known to all the inhabitants of the parish, and they were all bound to obey his orders and to aid and assist him whenever called upon, in the exercise of his lawful authority. In short, he was a public officer, well-known in the community, and exercising an indispensable governmental function. The importance of the office did not arise wholly, however, from the broad powers attached to it, but largely from the close contact which the constable had with the life of the people among whom he dwelt. Strangers could not long remain in the community without his knowledge, nor little could go on without coming to his ears. This combination of official authority with intimate knowledge of the character and habits of the members of the community was well adapted, in earlier times, to preserve a wholesome respect for law and order, and to foster the belief that violators of the peace would be marked and punished.

As cities grew up and crimes increased, however, defects developed in the method of policing by constables. Without adequate compensation, the constables could not afford to devote the time required by the changed conditions to properly safeguard the peace. Then again, if there were several constables in a community, each was an independent officer, and there was no system compelling them to co-operate with each other. In short,

while the common-law constables possessed practically the same powers as those of the modern police, they ceased to be adequate instruments for preserving the peace, when conditions of society became more complex, because of the lack of that singleness of purpose, co-operation and discipline which are fundamental features of every good police department of modern times. The results which followed are graphically stated in Macaulay's "History of England," Volume I, Page 282, under the title "Police of London about the end of the Seventeenth Century," and as to still later periods by Justin McCarthy in his "Reign of Queen Anne," Volume I, Page 203, and by Dr. Colquhoun in his "Treatise on the Police of the Metropolis," London, 1795. Nevertheless, these defects in the police system of England remained practically unremedied until 1829, when an act was passed by Parliament providing for a trained corps of policemen (still called "constables" in the act) for the metropolis of London, with a systematic day and night patrol. This act also provided for a criminal investigation department, with headquarters at Scotland Yard; hence the name of the London Detective Bureau. (See McCarthy's "Reign of Queen Anne"; Nelson's Encyclopædia, title "Police.")

The offices of constable and of the watch and ward were transplanted in Massachusetts with the common law, but with the growth of Boston into a city, the method of policing by the common-law constables apparently become inadequate for the same reasons as in England. By Chapter 10 of the Province Laws, passed in 1699, it was provided that in cases where no military watch was established, justices of the peace, acting with the selectmen of a town, or, in case no justice of the peace dwelt in the town, the selectmen alone, could order a suitable watch nightly within such town from nine o'clock in the evening until sunrise the next day and the place or places where the same should be kept, and also a "ward" on the Lord's Day and other days, and appoint the members of such watch and ward. The constables of the town were

enjoined to be in charge of the watch, to see that all disturbances and disorders in the night were prevented or suppressed; to examine all persons walking abroad in the night after ten o'clock of their business and whither they were going, and, in case such persons gave no reasonable satisfaction, then to secure them until the next morning and to carry them before one of the nearest justices of the peace for examination. The act also required that the watchmen should walk the rounds in and about the inhabited parts of the town to prevent any danger by fire, and to see that good order was kept. All male persons in the town of the age of sixteen years or upward, being able-bodied and having certain property qualifications, were made liable to keep watch and ward, with certain exceptions. The services of these members of the watch and ward were compulsory, and no provision was made for their compensation. It was provided, however, that if the appointing authority should judge that the watch might be kept more for the benefit and safety of the town in some other manner than as authorized by the act, and the inhabitants of a town agreed to support the charge thereof, the justices of the court of general sessions should determine how the cost should be apportioned and levied upon the inhabitants. This latter provision allowed the maintenance of a paid force of watchmen, if any town deemed it necessary. By Chapter 4 of the Province Laws, passed in 1712, it was provided that when a watch was appointed in any other manner than that of the "constable watch" authorized by the act of 1699, the "number and qualifications" of persons whereof such watch should consist should be agreed upon by the town, as their pay was to be agreed upon under the earlier act; that one "sober, discreet, able-bodied householder" should be appointed to take charge and command of the watchmen and see that they did their duty; that such commanding officer should carry as a badge of his office a "quarter pike with spire on the top thereof"; and that every watchman should carry a "staff with a bill fastened thereon"; and that the watch should "walk in and

about" the streets, lanes and wharves of the town at night, the first formal move toward a patrol of streets. The foregoing legislation was the first step in the establishment of a system of watchmen paid, qualified, fixed in numbers and officered. By Chapter 5 of the Province Laws of 1761–62, the selectmen of Boston were authorized to choose not exceeding thirty of the inhabitants to serve as watchmen, the town "agreeing to pay the charge," and to appoint one of each division of the watch to be head or constable of that division. This act, which was originally to continue for three years, was revived from time to time until November 1, 1785, when it finally expired. Chapter 82 of the Acts of 1796–97 re-enacted substantially the provisions of the laws of 1699–1712 into a general law applying to all towns, and provided especially that the expenses incurred in the maintenance of the watch should be levied and collected as other expenses of the town. This act of 1796–97 was substantially preserved as late as Chapter 31 of the Revised Laws of 1902, relative to appointment of watch and ward. By Chapter 26 of the Acts of 1801, the selectmen of Boston were authorized to appoint such a number of watchmen as they deemed expedient, to be paid by the town, together with a head constable to superintend the watch, and a constable for each division of the watch, the constables of divisions to report every morning to the head constable "an account of their doings and of the state of the town during the night" for the information of the selectmen. The head constable and watchmen appointed under this act were to have the same powers and be held to perform the same duties as were required of watchmen under the general law of 1796–97. From this time until the enactment of the city charter in 1822, the public officers entrusted with the preservation of the public peace consisted of constables supplemented by watchmen with the powers of constables, whose services might be paid for if the town agreed. Under the city charter of 1822, the administration of the "police" was transferred from the selectmen to the mayor and aldermen of the

city. The word "police" is used in this charter apparently for the first time in legislation on the subject as descriptive of constables, watchmen and other officers performing the duties of conservators of the peace. The word seems to have been applied first in England about thirty-five years before to that power of the state which occupies itself in preventing mischief. (See Bentham, Introduction to Morals and Legislation, Vol. XVI, 17, Note 2, 1789.) At the time of the charter of 1822 the word included officers appointed under the authority of the general act of 1796–97 and of the special act of 1801. By Chapter 123 of the Acts of 1838, the mayor and aldermen were authorized to appoint such "police officers" for the city as they might judge necessary, with all or any of the powers of the constables of said city. It was not until Chapter 354 of the Acts of 1853, however, that the creation of an organization approaching the present conception of a police department was authorized. By this act, the city council was authorized to unite by ordinance the watch and police departments of the city, and to establish regulations therefor. The council might also authorize a chief of police, who should exercise all the powers and duties which, by the laws then in force, were exercised by the head constable of the watch; and deputy chiefs, captains and lieutenants, who should exercise all the powers and duties then exercised by the constables of the several divisions of the watch. The act further provided that the officers and policemen appointed should have and exercise all the powers and duties then exercised either by the watch or by the police of the city, by virtue of existing laws, and particularly by virtue of the provisions of Chapter 172 of the Revised Statutes, relative to the establishment of watch and ward. It was further provided that the mayor and aldermen should have all the powers and duties in relation to the officers and policemen which they had over the watchmen and the police of the city. The appointment and control of police officers of the department continued vested in the mayor and aldermen until 1878, when a board of

police commissioners, three in number, appointed by the mayor, was created. In 1885 the administration of the department was transferred to a board of three, appointed by the governor; and, in 1906, to a single police commissioner, appointed by the governor.

It is interesting to trace these steps by which the common-law office of constable was gradually adapted to the changing conditions of society and population until it became the present office of police, filled by men specially qualified and trained for it, required to devote their whole time to it, and co-operating to a common end under the direction of a single head, appointed by the governor for this sole purpose; and to note that the transition was accomplished by assimilating the office of constable into the office of police, rather than by creating a wholly new office with specifically enumerated duties and powers. To have done otherwise would have fallen short of the purpose. The office of the common-law constable comprised duties as well as powers,— the duties of conservator of the peace. These duties, rather than the powers, gave the office its importance. The powers were incidental, in order to enable the constable to better perform his duties. If, in early times when the constable received no salary, his office had consisted merely of the powers given it by the common law, without any obligation to exercise those powers, the constable would never have been called the guardian or conservator of the peace. The incentive to exercise vigilance and activity would have been wholly lacking. It was the imperative obligation to take care that the peace was preserved that made the constable an active and important agent of government. Likewise, a police officer, though paid to patrol the streets, would be of little value to society if his office did not also carry with it, as its very essence, the same obligation. Consequently, throughout the successive steps in legislation which led to the institution of the office of police, the duties, as well as the powers, of constables have been transferred from one form of office to the other, so that, while formerly it was the imperative duty of

the common-law constable to preserve the "King's peace," it is no less today the imperative duty of the police officer to preserve the "peace of the commonwealth."

Without magnifying the importance of the office of police, it may still be asserted that its real dignity and the indispensable part it plays in the maintenance of good government are probably not yet fully appreciated either by the public at large or, perhaps, even by the officers themselves. It should be otherwise if, as has been said, peace and good order are essentially the end and foundation of civilized society. As to the public at large, it may be said that the preservation of peace and good order has been such an habitual state of being in this commonwealth that it is perhaps but natural that it should be accepted as a matter of course, without reflection upon its cause and meaning. It is only in some rare emergency, when the protecting forces of society are crippled or paralyzed, that the importance of preserving the peace and the means by which it is accomplished are forced upon public attention. On such fortunately rare occasions, the lawless elements, ever present in a community, are released from restraint. Assaults, robbery, riot and destruction of property almost inevitably follow. Business is suspended, stores are closed or barricaded and, even where the individual himself does not suffer personal violence, he and his family hesitate to venture far on the streets in the daytime, and at night are filled with apprehensions. When, under such circumstances, the thoughtful citizen looks out from his home at dark upon the deserted streets, reports fresh in his mind of violence going on in other parts of the city and of an influx of criminals seeking to profit by the disorder, then, for the first time probably, he is aroused to the reflection that where he is thus thrown upon his own resources for the protection of himself and his family, civilized government has ceased; and then, probably for the first time, he realizes the significance of the presence and uniform of the police and the indispensable part they play in the maintenance of government.

As to the police themselves, it is believed that an awakening to the high dignity of their office has already set in. Certainly, their surest path to public respect and reward lies in the direction of this ideal of high and important public service. In order that they may be guided in this path in their daily lives and the practical performance of their duties is the main purpose of the rules and regulations promulgated for the government of the department.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A LICENSING BOARD AND A POLICE COMMISSIONER FOR THE CITY OF BOSTON.

[ACTS 1906, CHAP. 291 AS AMENDED.]

Be it enacted, etc., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall appoint from the two principal political parties three citizens of Boston, who shall have resided therein for at least two years immediately preceding the date of their appointment, who shall constitute a licensing board for said city and who shall be sworn to the faithful performance of the duties of their office before entering on the same.

They shall not be in the employ of any person or corporation engaged in the manufacture or sale of intoxicating liquors, or in any way, directly or indirectly, pecuniarily interested in the manufacture or sale of intoxicating liquors, or in any business which requires a license to be issued by them.

One member of said board shall be designated by the governor as chairman and two members shall constitute a quorum. Their terms of office shall be so arranged and designated at the time of appointment that the term of one member shall expire on the first Monday of June, nineteen hundred and eight, of another on the first Monday of June, nineteen hundred and ten, and of the third on the first Monday of June, nineteen hundred and twelve. Upon the expiration of the term of any member of said board, the governor, with the advice and consent of the council, shall appoint his successor for the term of six years. Vacancies in the board shall be filled by the governor, with the advice and consent of the council, for the unexpired term. The members of said board may be removed by the governor, with the advice and

consent of the council, for such cause as he shall deem sufficient. Such cause shall be stated in the order of removal. The board shall appoint a secretary, who shall be exempt from the civil service law, who shall be sworn to the faithful performance of the duties of his office, and who shall keep a record of all proceedings, issue all notices and attest such papers and orders as said board shall direct. His term of office shall be six years, but he may be removed by said board for such cause as it shall deem sufficient. Such cause shall be stated in its order of removal.

SECT. 2. The annual salary of the chairman of said board shall be four thousand dollars, that of each of the other two members thirty-five hundred dollars, and that of the secretary twenty-five hundred dollars. Such salaries shall be paid in monthly installments by the city of Boston. Subject to the approval of the governor and council, said board shall be provided with such rooms, in the headquarters of the police commissioner hereinafter named, as shall be convenient and suitable for the performance of its duties, the rent of which shall be paid by the city of Boston. Said rooms shall be suitably furnished and equipped, and the expense therefor shall be paid by said city upon requisition of said board. (*Licensing Board authorized to provide itself with suitable rooms, suitably furnished, at a rental of not exceeding five thousand dollars, including janitor service, by St. 1909, c. 387. Salary of Secretary increased to three thousand dollars by St. 1913, c. 715.*)

SECT. 3. Said board may employ such clerks, stenographers and office employees, and such legal assistance, as it may deem necessary, and the expense thereof and all incidental expenses incurred by the board in the performance of its duties and the exercise of its powers shall be paid by said city upon requisition of the board.

SECT. 4. Except as otherwise provided herein, said board shall exclusively exercise in said city all the powers and perform all the duties conferred or imposed upon the board of police of the city of Boston, and upon licensing

boards by sections ten to ninety, both inclusive, of chapter one hundred of the Revised Laws and amendments thereof, relative to intoxicating liquors, and by chapter one hundred and two of the Revised Laws and amendments thereof, relative to innholders and common victuallers.

Said board shall also exercise, except as otherwise herein provided, all the powers and perform all the duties now conferred or imposed by law upon the board of police of the city of Boston, relative to the licensing of picnic groves, skating rinks, intelligence offices, billiard, pool or sippio tables, and all other tables of like character used for hire, and bowling alleys. (1906, c. 291, s. 4; 1907, c. 214.)

All licenses issued by said board shall be signed by a majority of the members thereof and shall be recorded in the office of said board, and all fees for said licenses, including recording fees, miscellaneous fees and all other revenue, shall be paid into the treasury of said city. (1915, Sp. c. 313.)

SECT. 5. Said licensing board shall annually in the month of December make a report to the governor.

All records of said board shall at all times be open to the inspection of the governor, the mayor of said city, and of such persons as may be designated by either of them.

SECT. 6. Said board shall certify to the police commissioner hereinafter mentioned the name of each applicant for a license, the name of each person to whom a license is issued, the date when each license goes into effect, the kind or class of the license, every change of location or place of business for the exercise of such license, and every transfer of a license ordered by it.

SECT. 7. The governor, with the advice and consent of the council, shall appoint a single police commissioner for the city of Boston, who shall be a citizen of Boston and who shall have resided therein for at least two years immediately preceding the date of his appointment. Such police commissioner shall not engage in any other business and shall be sworn to the faithful performance of the duties of his office before entering upon the same.

Said police commissioner shall be appointed for a term of five years, beginning on the first Monday in June, in the year nineteen hundred and six, and shall hold his office until his successor is appointed and qualified, and any vacancy occurring shall be filled by the governor, with the advice and consent of the council, by an appointment for a term of five years.

Said police commissioner may be removed by the governor, with the advice and consent of the council, for such cause as he shall deem sufficient. Such cause shall be stated in his order of removal.

Said police commissioner shall appoint a secretary, who shall be exempt from the civil service law, who shall be sworn to the faithful performance of his duties and who shall keep such records, issue such notices and attest such papers and orders as said police commissioner shall direct. His term of office shall be five years, but he may be removed by said police commissioner for such cause as he shall deem sufficient. Such cause shall be stated in his order of removal.

SECT. 8. The annual salary of the police commissioner shall be eight thousand dollars, and of the secretary an amount which shall be fixed by the police commissioner with the approval of the governor and council, which shall be paid in monthly installments by the city of Boston. Subject to the approval of the governor and council, the police commissioner shall be provided with such rooms, which shall be suitably furnished, as shall be convenient and suitable for the performance of his duties, the expense of which shall be paid by the city of Boston.

The city of Boston shall provide all such accommodations for the police of said city as said police commissioner may require. All buildings and property used by said police shall be under control of said police commissioner.

Said police commissioner may employ such clerks, stenographers and other employees as he may deem necessary for the proper performance of the duties of his office.

All expenses for the maintenance of buildings, the pay of the police, clerks, stenographers and other employees, and all incidental expenses incurred in the performance of the duties of said commissioner or in the administration of said police shall be paid by the city of Boston upon the requisition of said police commissioner. [1906, c. 291, s. 8; 1917, Sp. c. 307; 1920, c. 8.]

SECT. 9. Said police commissioner may employ such legal assistance as he may deem necessary in the performance of his duties, and may incur expense therefor to an amount not exceeding seven thousand dollars in any municipal year, which expense shall be paid by the city of Boston upon the requisition of said police commissioner. [1906, c. 291, s. 9; 1920, c. 13.]

SECT. 10. The police commissioner shall have authority to appoint, establish and organize the police of said city and to make all needful rules and regulations for its efficiency. Women shall be eligible to appointment in the discretion of the commissioner, and a separate list of women shall be established by the division of civil service. He shall from time to time appoint a trial board, to be composed of three captains of police, to hear the evidence in such complaints against members of the force as the commissioner may deem advisable to refer to said board. Said trial board shall report its findings to said commissioner, who may review the same and take such action thereon as he may deem advisable. Except as otherwise provided herein all the powers and duties now conferred or imposed by law upon the board of police of the city of Boston, are hereby conferred and imposed upon said police commissioner. All licenses issued by said police commissioner shall be signed by him and recorded in his office. He shall have all the powers of the board of police in regard to revoking licenses issued by him, and in addition may, in his discretion, for any cause deemed satisfactory to him and without a hearing, suspend and make inoperative for such period as he may deem proper any license issued by him. [Sts. 1906, c. 291, s. 10; 1909, c. 221; 1920, c. 211.]

SECT. 11. The said police commissioner may at any time, subject to removal by him at his pleasure, designate some member of the police force to be acting police commissioner.

In case of the absence or disability of the police commissioner without his having designated an acting commissioner, the superintendent of police, or, in case of his absence or disability, the next ranking officer, or where there are two such officers of equal rank, the senior officer in date of appointment, shall be acting commissioner while such absence or disability continues. An acting police commissioner shall receive no extra compensation for services as such.

SECT. 12. The members of the Boston police force, including reserve police officers, in office when the said commissioner is first appointed shall continue to hold their several offices until removed or placed on the retired list by the said police commissioner in accordance with law; and the present rules and regulations of the board of police for the said city shall continue in force until otherwise ordered by said police commissioner.

All police officers now in office or appointed by said police commissioner shall have and exercise within the limits of said city all the powers conferred by law upon constables, except in relation to the service of civil process, and all the powers conferred upon the police as watchmen.

SECT. 13. Except as authorized by the mayor of said city said commissioner shall not appoint any greater number of patrolmen than the present board of police of the said city is now authorized to appoint, nor shall the pay of the members of the police force other than said police commissioner and superintendent of police be increased or diminished, except by the concurrent action of said mayor and said police commissioner. The police commissioner may, without such concurrent action, with the approval of the governor and council, fix the salary of the superintendent of police. Deputy superintendents may be appointed from the police force from time to

time by said police commissioner and they shall not be affected as to their selection or appointment by chapter nineteen of the Revised Laws or by acts in amendment thereof or by any rules established pursuant thereto. [1906, 291, s. 13; 1909, c. 311; 1920, 7.]

SECT. 14. Said police commissioner shall annually in the month of December make a report to the governor. The records of said police commissioner shall at all times be open to the inspection of the governor, the mayor of said city, and of such persons as may be designated by either of them.

SECT. 15. If said police commissioner is at any time of the opinion that a person holding a license to sell intoxicating liquors in the city of Boston has violated or permitted a violation of any condition of his license, said police commissioner shall forthwith give notice to such licensee of the violation or violations aforesaid, and shall transmit to said licensing board a report in writing containing a statement of the conditions of the license that have been violated, together with a copy of said notice. If said licensing board, after a hearing as prescribed by section forty-seven of chapter one hundred of the Revised Laws, shall determine that said license shall be forfeited, they shall, within fifteen days after the receipt of the report of said commissioner, so notify said licensee and said commissioner; and said notice may be served upon said licensee by a police officer of said city, by delivering the same to him in hand or by leaving it at the place of abode of the licensee or at the place where the business authorized by such license is carried on. Upon such notice the license shall become forfeited. If said licensing board finds that said license should not be forfeited, they shall, within fifteen days after the receipt of the report aforesaid, notify said commissioner of such finding, and shall also notify said licensee.

SECT. 16. If a license becomes forfeited the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so forfeited, and if he is the owner of the premises described

in such forfeited license, no license shall be exercised on said premises for the residue of the term of the license so forfeited.

SECT. 17. It shall be the duty of the police commissioner and his subordinates to obtain and to furnish to the licensing board such information as may be required by the said board from them or from any of them relative to the character or fitness of a licensee of said board or of an applicant for any license which said board is empowered to issue, relative to the place at which the business authorized by any license is or is proposed to be conducted, and also relative to the manner in which any business authorized by any license is at any time being conducted. Such information may be given in writing or orally as said licensing board may require.

SECT. 18. All the powers heretofore vested in and the duties heretofore imposed by law upon the board of police of the city of Boston, under the provisions of chapter two hundred and seventy-nine of the acts of the year nineteen hundred and three, as amended by chapter two hundred and forty-five of the acts of the year nineteen hundred and four, relative to the listing and registration of voters in said city, shall be, and the same hereby are, vested in and imposed upon a listing board to be composed of the police commissioner of said city and one member of the Boston board of election commissioners, who shall annually be appointed by the mayor, without confirmation by the board of aldermen, for the term of one year and who shall belong to that one of the two leading political parties of which said police commissioner is not a member. Said powers and duties shall hereafter be exercised and performed by said board as herein constituted or by police officers subject to the jurisdiction of said police commissioner. In case of disagreement between the two members of said board, the chief justice of the municipal court of the city of Boston, or, in case of his disability, the senior justice of said court who is not disabled, shall for the purpose of settling such disagree-

ment be a member of said board and shall preside and cast the deciding vote, in case of a tie. (See 1907, c. 387; 1913, c. 835, s. 69; 1915, c. 91; 1917, c. 29, s. 7.)

SECT. 19. The said police commissioner or mayor of said city may, if in the judgment of either of them exigency requires, suspend and make inoperative any license to sell intoxicating liquors during any period of tumult, riot or violent disturbance of public order, and any licensee who, personally or by his servants or agents, sells, furnishes or delivers any intoxicating liquors during such suspension shall be punished by a fine of two hundred dollars for each offence, and his license shall become forfeited.

SECT. 20. All acts and parts of acts inconsistent herewith are hereby repealed.

SECT. 21. This act shall take effect on the first day of June in the year nineteen hundred and six. [*Approved April 14, 1906.*]

STATUTES RELATING TO THE ESTABLISHMENT, POWERS AND DUTIES OF THE POLICE.

Origin and establishment of police force	Sects. 1-11, inclusive.
Powers and duties of the commissioner.	
Appointment of special and railroad police	Sects. 12–19, 28.
Member of listing board	Sects. 20, 138.
To investigate qualifications of jurors	Sect. 21.
Petition to abate certain nuisances	Sect. 22.
To issue certain licenses and permits	Sects. 23, 29, 39–46, 57, 58.
And powers with regard to licensees	Sects. 24, 25, 26, 27, 38, 47.
Miscellaneous powers and duties	Sects. 47, 30–38, 48, 49.
Miscellaneous licenses in which the police are interested	Sects. 50–60, inclusive.
Affecting chief of police	Sects. 61–63, inclusive.
Captain of police	Sect. 64.
Police signal system	Sects. 65, 66.
The police force, appointment, powers and duties, pay, pensions, penalties, etc.	Sects. 67–104, inclusive.
Search warrants, seizures and investigations	Sects. 105–114, inclusive.
Arrests, fugitives from justice, criminal process, bail, etc.	Sects. 115–137, inclusive.
Miscellaneous statutes	Sects. 68, 69, 139–142.

1. Cities and towns authorized to establish and keep a watch. Powers and duties of watchmen. (See Revised Laws of 1902, c. 31.)

2. Board of police commissioners established, powers, duties, etc. St. 1878, c. 244; St. 1898, c. 282.

3. Board of police for the city of Boston established, powers and duties of board of police commissioners conferred upon, etc. St. 1885, c. 323.

4. Police commissioner and licensing board established and powers of board of police conferred upon police commissioner. St. 1906, c. 291.

5. Members of the regular and permanent police force of the town of Hyde Park to become in their respective grades members of the police force of Boston. St. 1911, c. 469.

6. Police commissioner to furnish certain information to the licensing board. St. 1906, c. 291.

7. Secretary to be appointed by the police commissioner. Salary of secretary established. St. 1906, c. 291; St. 1920, c. 8.

8. Police commissioner may employ legal assistance. St. 1906, c. 291, s. 9; St. 1920, c. 13.

9. Police commissioner to fix salary of superintendent of police. St. 1906, c. 291; St. 1920, c. 7.

10. The police commissioner may appoint deputy superintendents from the police force without being affected by the rules relating to the civil service. St. 1909, c. 311; St. 1920, c. 7.

11. The harbor master and assistants are appointed from the police force by the police commissioner; their powers, duties, jurisdiction, etc. St. 1848, c. 314; St. 1862, c. 64; St. 1882, c. 216; St. 1889, c. 147; St. 1908, c. 579.

12. Certain special police officers must be residents of the Commonwealth. G. L., c. 149, ss. 176 and 177.

13. Special police officers, upon certain emergencies, etc., may be appointed by the police commissioner. St. 1878, c. 244, s. 7; St. 1885, c. 323; St. 1906, c. 291.

14. Special police for city departments appointed by the police commissioner. St. 1898, c. 282, s. 1.

15. Special police on application by responsible persons appointed by the police commissioner. St. 1898, c. 282, s. 2.

16. Women may be appointed as special police officers by the commissioner. G. L., c. 41, s. 97.

17. Women shall be eligible to appointment to the force. St. 1920, c. 211.

18. Railroad police are appointed by the police commissioner. St. 1898, c. 282, s. 1.

19. See railroad police for terminal stations. St. 1896, c. 516, s. 8; St. 1904, c. 59.

20. Police commissioner to be member of listing board. St. 1906, c. 291, s. 18; St. 1917, c. 29, s. 7.

21. Police commissioner to investigate as to qualifications of jurors. G. L., c. 234, s. 4.

22. Places resorted to for illegal gaming or used for

illegal keeping or sale of intoxicating liquors may be enjoined or abated in equity as nuisances on the petition of the police commissioner. G. L., c. 139, s. 16.

23. Permits to perform necessary labor on the Lord's day to be issued by the police commissioner or any member of the police department, having a rank not lower than captain, designated by him. St. 1909, c. 420.

24. The police commissioner or any police officer, when specially authorized by the licensing board and the police commissioner, may enter upon the premises of any liquor licensee for certain purposes. G. L., c. 138, s. 47; St. 1906, c. 291, ss. 4–17.

25. Pawnbrokers to furnish records to police commissioner. G. L., c. 140, s. 79. These are not public records. (See Rounds *v.* O'Meara, 197 Mass. 218.)

26. Pawnbroker's license fee. Adjustment of fee for licenses issued after November first in any year. G. L., c. 140, s. 77.

27. Police commissioner to establish rates of interest of pawnbrokers to the satisfaction of the Commissioner of Banks. G. L., c. 140, s. 78.

28. Police commissioner to have charge of park and certain other police. Age not to disqualify for appointment of Civil War Veterans on park, etc., police. St. 1895, c. 449, s. 26.

29. Dog and dog breeders' licenses are issued by the police commissioner. G. L., c. 140, s. 147. (See also other powers and duties as to dogs and damage done by dogs.)

30. The police commissioner must make monthly reports of arrests to the state department of correction. Penalty for neglect. G. L., c. 124, s. 9.

31. Police commissioner may inspect certain records of probation officers, and is entitled to receive from, and shall give to, certain officers information in relation to persons who are under investigation in drunk cases. G. L., c. 272, s. 50.

32. Police commissioner or mayor of the city may during a period of tumult or public disorder suspend and

make inoperative any license for the sale of intoxicating liquors. St. 1906, c. 291, s. 19.

33. Police commissioner to enforce traffic regulations of the board of street commissioners. St. 1908, c. 447.

34. The police commissioner upon the requisition of the board of health must detail not exceeding ten police officers to the service of the board of health for certain purposes, and may fill vacancies thus caused in the force by appointment of ten additional officers. Pay, etc., of such officers. St. 1911, c. 287.

35. Witnesses may be compelled to attend hearings before the police commissioner under G. L., c. 233, ss. 8–11.

36. Commissioner, on request, to report to State Secretary whether incorporators of a corporation for charitable and certain other purposes have been engaged in any business or vocation prohibited by law. G. L., c. 180, s. 5.

37. Police authority must assign officers to duty at exhibitions of incorporated agricultural or horticultural societies upon application of the president. G. L., c. 128, s. 46.

38. Police departments to see that certain persons post notices concerning the sale of cigarettes and tobacco. G. L., c. 270, s. 7.

39. Licenses for persons receiving contributions of money, food, clothing, etc., in the public streets of Boston to be approved by police commissioner in certain respects. St. 1909, c. 538.

40. Conductors, drivers, despatchers and motormen of street railways are licensed by the police commissioner. St. 1879, c. 59; St. 1880, c. 99; St. 1885, c. 323; St. 1897, c. 343; St. 1906, c. 291, s. 10.

41. Certain other municipal licenses are issued by the police commissioner under authority of chap. 244 of the Acts of 1878, and of certain city ordinances passed in pursuance of that statute (see chap. 323 of Acts of 1885 and chap. 291 of the Acts of 1906, sect. 10), viz.:

auctioneers, carriages, wagons and other vehicles, and itinerant musicians. (As to auctioneers, see also G. L., c. 100, ss. 1, 2.)

42. Dealers in and collectors of junk and second-hand articles and second-hand motor vehicles and pawnbrokers are licensed by the police commissioner. G. L., c. 140, ss. 54, 59 and 70; St. 1906, c. 291, s. 10.

43. Parts of public streets in Boston may be used for private business purposes under certain conditions or with licenses issued by the street commissioners approved by the police commissioner. St. 1907, c. 584; St. 1908, c. 519; St. 1909, c. 329.

44. Sight-seeing automobiles and drivers thereof to be licensed by the police commissioner. St. 1913, c. 592.

45. Licenses for certain lodging houses to be issued by the police commissioner. G. L., c. 140, s. 34.

46. Licenses to carry pistols or revolvers issued by the police commissioner. G. L., c. 140, s. 131.

47. The police commissioner may without a hearing suspend and make inoperative any license issued by him. St. 1909, c. 221; 1920, c. 211.

48. The keeper of the lockup (city prison) is appointed by the police commissioner. G. L., c. 40, s. 35.

49. The police commissioner to appoint police matrons, and to establish a house of detention, make needful rules, etc. G. L., c. 147, ss. 18, 19; St. 1906, c. 291, s. 10; 1887, c. 234, s. 3.

50. Theatrical exhibitions, public shows, and public amusements to be licensed by the mayor. St. 1915, Sp., c. 348.

51. Licenses for theatres and public halls to be issued by the mayor. St. 1904, c. 450 and amendments.

52. Certain exhibitions, shows and public amusements exempt from license requirements. G. L., c. 140, s. 182.

53. Intoxicating liquor licenses are issued by the licensing board. St. 1906, c. 291, s. 4.

54. Innholders and common victuallers, intelligence office keepers, billiard tables, pool, sippio and other tables

of like character, and bowling alleys are licensed by the licensing board. St. 1906, c. 291, s. 4; St. 1907, c. 214; G. L., c. 140, ss. 2, 42, 177.

55. Skating rinks are licensed by the licensing board. St. 1906, c. 291, s. 4; G. L., c. 140, s. 186.

56. Picnic groves are licensed by the licensing board. St. 1906, c. 291, s. 4; G. L., c. 140, s. 188.

57. Licenses for purchase and sale of second-hand motor vehicles to be issued by the commissioner. G. L., c. 140, s. 59.

58. Lunch wagon licenses may be issued by the street commissioners and the police commissioner. G. L., c. 140, s. 49.

59. Licenses for the sale on the Lord's day of ice cream, confectionery, soda water and fruit to be issued by the licensing board to reputable persons dealing in such articles at retail on secular days. G. L., c. 136, s. 7.

60. Minors' licenses for hawkers, peddlers and boot-blacks under the age of fourteen in the city of Boston to be issued by the school committee. G. L., c. 101, s. 19.

61. The chief of police must make certain reports as to certain accidents from gas or electricity. G. L., c. 164, s. 95.

62. The chief of police, or any police officer when duly authorized, may enter upon the premises of licensed pawnbrokers for certain purposes and make certain examinations, etc. G. L., c. 140, ss. 73, 74, 81. See also Rule 62.

63. The chief of police may visit lying-in hospitals. G. L., c. 111, s. 72.

64. Authority of captains of police as to certain obstructions in buildings, used for gaming, etc., G. L. c. 271, ss. 25, 26.

65. Police signal system introduction authorized. St. 1887, c. 325; St. 1888, c. 402.

66. Interfering with police signal system, penalty for. G. L., c. 268, s. 32.

67. For territorial limits to powers of police, see "Boston Police Territory" in Rule 2.

68. Commissioner to give notice to State Secretary when liquor casks or other vessels or implements of sale and furniture used or kept for use in the illegal keeping or sale of liquor, or implements of gaming, are seized on the premises occupied by any corporation organized for charitable and certain other purposes; and if any person is convicted of certain illegal acts on the premises of such organization, the Commissioner shall notify the State Secretary. G. L., c. 180, ss. 27, 28.

69. Licenses for coffee or tea houses issued by the Licensing Board. G. L., c. 140, s. 47.

70. Policemen given powers of constables (except the power to serve civil process) and the powers of watch. St. 1906, c. 291, s. 12; St. 1885, c. 323, s. 3; St. 1878, c. 244, s. 4.

71. Police badges, penalty for counterfeiting. G. L., c. 268, s. 35.

72. Assuming to be a police officer, penalty for. G. L., c. 268, s. 33.

73. Police officers shall aid governor, penalty for refusal. G. L., c. 147, s. 7.

74. A justice of the peace may command police officer to aid him under certain circumstances. G. L., c. 220, s. 3. Penalty for refusal. G. L., c. 268, s. 25.

75. Institutions commissioner may issue order to police officers to arrest certain persons. St. 1896, c. 514. (See G. L., c. 77, s. 8.)

76. Members of the police force to be relieved of duty without loss of pay one day in every fifteen, subject to certain exceptions. St. 1907, c. 513.

77. Pay of police not to be increased or diminished, etc. St. 1906, c. 291, s. 13. (Pay fixed by concurrent action of mayor and the police commissioner.) St. 1906, c. 291, s. 13.

78. Pensions authorized. St. 1887, c. 178; St. 1892, c. 353; St. 1893, c. 51; St. 1898, c. 172; St. 1900, c. 306; St. 1903, c. 312; St. 1904, c. 402; St. 1913, c. 770; 1920, c. 6. G. L., c. 32, ss. 86, 90.

79. Pensions provided for members of the police

signal system in the same manner as for members of the police department subject to acceptance of act by the city council, St. 1904, c. 402; act accepted December 27, 1917.

80. Engineers and firemen in the police department to be pensioned under certain conditions. St. 1903, c. 312.

81. Annuity to widows or minor children under sixteen years of age authorized in certain cases. St. 1887, c. 178, s. 2; 1919, Sp. c. 93. Accepted by Council December 9, 1919; 1920, c. 68.

82. Allowances to widows or minor children of officers killed in performance of duty authorized. G. L., c. 32, s. 87.

83. Power of police officer to summon aid, and penalty for refusal to aid police officer. G. L. c. 268, s. 24.

84. Police officers may send samples of liquor to state department of public health. G. L., c. 138, s. 54.

85. Police authorities may submit certain drugs and poisons to the state department of public health for analysis. G. L., c. 111, s. 12.

86. Police officers may enter skating rinks or room connected therewith to enforce law, penalty for obstructions. G. L., c. 140, s. 201.

87. Police officers may enter billiard, pool or sippio rooms, or bowling alleys, or room connected therewith, or with the premises of a common victualler, to enforce law, penalty for obstruction. G. L., c. 140, s. 201.

88. Police officers to be given free access to all parts of certain public lodging houses. G. L., c. 140, s. 38.

89. Police officers may enter building where there is an exhibition of fighting birds, dogs, or other animals, or where preparations are making therefor, and make certain arrests and seize certain property. G. L., c. 272, s. 89.

90. Police officers may enter picnic groves to enforce law, penalty for obstruction. G. L., c. 140, s. 201.

91. Police may enter and inspect premises in which manicuring or massage or the giving of vapor baths is conducted by persons licensed thereto. G. L., c. 140, s. 52.

92. Proceedings to prevent commission of crime. G. L., c. 275.

93. Right of way in streets given to officers and men in patrol wagons and ambulances of the police department, and penalty for obstruction. St. 1889, c. 57.

94. For statutes relating to duties and powers of police authorities and policemen as to elections and primaries, and the officers thereof, etc., see G. L., c. 50–57 inclusive.

95. Duties of police officers as to enforcement of game laws. G. L., c. 130, s. 5.

96. Police to assist state commissioner of banks in regulation of loan agencies. G. L., c. 140, s. 112.

97. Duties of arresting officer as to stolen property. G. L., c. 266, s. 48.

98. Disposition of property which has been lost, stolen, or abandoned or taken from a person under arrest, and comes into the possession of a police officer. G. L., c. 135, ss. 7–11.

99. Aiding a prisoner to escape, penalty for. G. L., c. 268, s. 17.

100. Penalty on police officer for suffering prisoner to escape. G. L., c. 268., ss. 18, 20.

101. Effect of failure of police officers to prosecute in certain cases. G. L., c. 138, s. 75.

102. Penalty for bribery to omit duty. G. L., c. 268, s. 37.

103. Penalty on police officer for delaying service of warrant. G. L., c. 268, s. 22.

104. Penalty on police officer for refusing or delaying to execute criminal process and suffering defendant to escape. G. L., c. 268, s. 23.

105. Search warrants are issued to search for stolen property, etc.; for personal property, hired, or leased or held as collateral security, or insured against fire and fraudulently concealed, etc.; for counterfeit, etc., coin, forged notes and instruments, and the tools, materials, etc., for forging or counterfeiting, for certain counterfeit, etc., labels, trademarks, etc., and dies, plates and ma-

terials for counterfeiting; for certain calves meat, for certain diseased animals, for game and fish, or for certain decayed or unwholesome provisions, etc.; for obscene literature, pictures, and the tools, etc., for making them; for drugs, instruments, etc., for self-abuse, abortion, etc., and the tools, materials, etc., for their preparation; for firearms in possession of unnaturalized foreign-born residents; for firearms, weapons or ammunition kept for unlawful purposes, and for bombs and explosives. G. L., c. 276, s. 1.

106. Search warrants to be issued for search for cocaine, opium and other drugs. G. L., c. 272, s. 52.

107. Search warrants for seizure of hypnotic drugs and authorization to arrest those present. G. L., c. 94, s. 214.

108. To search for gaming implements, etc. G. L. c. 271, s. 23.

109. Search warrants to be issued in certain cases for females believed to be in houses resorted to for purposes of prostitution. G. L., c. 272, s. 9.

110. To search for fighting birds, dogs, or other animals. G. L., c. 272, s. 88.

111. To search for explosive compounds, etc. G. L., c. 148, s. 63.

112. To search places where laws in relation to cruelty to animals are or have been violated. G. L., c. 272, s. 83.

113. To remove certain persons infected with contagious diseases or to impress houses, nurses, etc. G. L., c. 111, s. 96.

114. To discover and obtain certain registered cans, bottles, etc. G. L., c. 110, s. 25.

115. Police officers authorized to seize certain intoxicating liquors, vessels and implements of sale. G. L., c. 138, s. 75.

116. Police officers authorized to search for and seize certain smelts and apparatus used in taking them. etc. G. L., c. 130, s. 74.

117. Police officers may seize certain property forfeited for an offence. G. L., c. 257, s. 1.

118. Police officers may examine peddlers' licenses. G. L., c. 101, s. 27.

119. Police officers may inspect records of sales of poisons. G. L., c. 270, s. 2.

120. Police officers may inspect certain books, etc., of apothecaries as to sales of liquor. G. L., c. 138, s. 32.

121. Police officers to inform the state department of health of suspected violations of law regulating the manufacture and sale of mattresses, etc. G. L., c. 94, s. 275.

122. The shops and merchandise therein, and the books of licensed dealers in junk, old metals or second-hand articles are to be open to inspection by duly authorized police officers. Rev. Ord. 1914, c. 39. G. L., c. 140, s. 54.

123. For law on arrests without warrants and right to break doors, see Pocket Manual.

124. Police to take records of certain injuries to prisoners and to send them to the police commissioner. G. L., c. 276, s. 33.

125. Right of person arrested to be informed of ground of arrest, etc., penalty for refusing such information or giving false answer; and penalty for refusing to show precept. G. L., c. 263, s. 1.

126. Fugitives from justice, extradition of and warrants for. G. L., c. 276, ss. 11–20.

127. Bail. G. L., c. 276, s. 57.

128. Persons arrested on criminal charges if entitled to be released on bail may deposit amount of bail with personal recognizance, etc. G. L., c. 276, s. 79.

129. Criminal process, issue, service, return, right to serve out of county when, treatment of certain prisoners out of county, etc. G. L., c. 41, s. 95; c. 276, ss. 21–34; c. 218, ss. 33–37.

130. Warrants, etc., may be directed to and served by any officer authorized to serve criminal process in any county. G. L., c. 276, s. 23; c. 218, s. 37.

131. Treatment of women detained or lodged at station houses or under arrest. G. L., c. 147, ss. 18, 21.

132. Male and female prisoners not to be transported together, penalty. G. L., c. 276, s. 53.

133. Persons suffering from insanity, mental derangement or mental confusion, except delirium tremens, not to be placed in a lockup or police station except in case of emergency. G. L., c. 123, s. 82.

134. Neglected children not to be carried in patrol wagons. G. L., c. 119, s. 41.

135. Any child between the ages of seven and seventeen who has been arrested with or without a warrant may, unless otherwise ordered by the court, be released upon the written promise of the parent, guardian or other responsible person. G. L., c. 119, s. 69.

136. Bertillon method of measurement of criminals. G. L., c. 127, ss. 23–31.

137. All finger print impressions or duplicates thereof made by the police to be sent to the state commissioner of correction to be recorded. G. L., c. 127, s. 23.

138. Duties of the police commissioner with regard to listing and registration of voters in Boston. St. 1917, c. 29.

139. Election laws codified. G. L., c. 50–57.

140. Cities may indemnify police officers for damages sustained or expenses incurred in defence of certain suits, etc. G. L., c. 41, s. 99.

141. Certain ink and printing devices must be used for records, penalty for violation. G. L., c. 66, s. 4.

142. For statutes relating to fees of salaried officers. G. L., c. 262.

RULES AND REGULATIONS OF THE POLICE DEPARTMENT OF THE CITY OF BOSTON.

The police department of the city of Boston consists of the police commissioner, appointed by the Governor, or an acting police commissioner, a secretary, a police force and clerks, matrons and other employees, all appointed by the police commissioner.

The police commissioner for the city of Boston has established the following rules and regulations for the government and discipline of the police department and for the conduct of other persons, not members of the police department, in so far as the affairs of such persons are subject to his lawful authority. He may alter, amend, revoke or add to these rules and regulations. In their application to the police department it is to be understood that these rules do not cover all cases which may arise, and that when found to be incomplete or apparently not adapted to particular emergencies they must be supplemented and interpreted by individual members with intelligence and discretion.

The establishment of these rules and regulations shall not affect any punishment or penalty incurred under any previously existing rule, regulation or order, and the provisions of these rules, so far as they are the same as those of existing rules or orders, shall be construed as a continuation thereof, and not as new rules.

RULE 1.— REFERENCES AND ABBREVIATIONS.

1. In these rules and regulations, unless otherwise specifically defined, the terms "Department," "Commissioner" and "Rules" shall be held to mean respectively the police department of the city of Boston, the police commissioner or the acting police commissioner for the city of Boston, and the rules and regulations of the police department; "G. L." shall mean the "General

Laws"; "St.," "Statute"; "c.," "chapter"; and "s.," "section" or "sections." "Officer" and "patrolmen" shall include "police women."

RULE 2.—BOSTON POLICE TERRITORY.

1. The Boston police have authority for police purposes on all lands and waters within the limits of the city of Boston, with the following qualifications:

(*a.*) In reservations owned by the United States and used for naval, military, postal, customs or other Federal purposes, the authority of the United States is supreme.

(*b.*) In the parts of the metropolitan park, water or sewerage systems which are within the city limits, including the Charles River Basin, the Metropolitan District Commission has the police authority.

It is not to be understood that the Boston police are free from all responsibility for those parts of the city described in paragraphs *a* and *b*, or that their boundaries constitute a dead line over which a Boston policeman may not pass. Primarily the responsibility for policing these parts rests in other hands, but it is the duty of a Boston policeman who witnesses the commission of a crime in territory under the control of the Metropolitan District Commission or in a Federal building or reservation, or is engaged in the pursuit of a criminal who runs thereto, or who is called upon for assistance by a guard or a citizen in such a place to act as a police officer in the same manner as in any other part of the city.

2. Through the harbor master of Boston, whose office is combined with that of commander of the police division to which the harbor patrol is assigned, the Boston police exercise the general authority conferred by law upon harbor masters as well as the special authority granted to the harbor master of Boston in respect to the preservation of the harbor and to the control of vessels therein and in neighboring waters as designated by law.

The Boston police will, therefore, confine their official efforts to the limits of the city of Boston, with the quali-

fications noted in section 1 as to reservations owned by the United States and used for Federal purposes; and while the boats of the harbor police will patrol, regulate and render assistance within the water areas assigned by law to the supervision of the police or the harbor master, no member of the force shall pass beyond such limits without the permission prescribed in the rules, unless to serve a criminal process of court or in an emergency, such as the pursuit of a criminal or the rescue of persons or property.

RULE 3.—ORGANIZATION.

1. In the service of the department there are two general classes of persons, as follows:

(*a.*) The police force, hereafter known as "The Force," consisting of the members of the department who are clothed with police powers.

(*b.*) All persons performing other duties, as matrons, clerks, and other employees.

2. The territory under the authority of the department shall be divided into as many police divisions and on such lines as the commissioner shall determine from time to time.

There shall also be established within the department as separate and additional units of organization, the

Commissioner's office,
Superintendent's office,
Chief clerk's office,
Bureau of Criminal Investigation,
City Prison,
House of Detention,
Signal service,
Property clerk's office,
Office of the inspector of claims,
Office of the inspector of carriages.

In these rules the designation "commanding officers" shall mean officers regularly assigned to command divisions or other units of organization and also persons not members of the force who have been placed in charge of

units of organization or in so far as immediate necessity may require, to an officer temporarily in command, whatever his grade. Divisions shall be designated as such, and units of organization as "units."

RULE 4.— GRADES AND RANKS.

1. The police force shall be organized under the following grades, ranking in the order named:

Superintendent,
Deputy superintendent,
Chief inspector of police,
Captain,
Inspector of police,
Lieutenant,
Sergeant,
Patrolman.

When the term "officer of rank" is used, it shall be held to mean an officer above the grade of patrolman; and when the term "superior officer" is used, it shall be held to mean an officer above the grade of sergeant. Thus: a sergeant is an officer of rank, but not a superior officer; a lieutenant is an officer of rank and a superior officer as well.

2. Officers of the same grade shall rank according to date of appointment. When two or more officers are appointed to the same grade on the same day they shall rank relatively as named in the order of appointment.

3. In the absence of special orders to the contrary and subject to the provisions of the succeeding sections of this rule and of further rules, the senior officer of highest grade who is present for duty at any place or on any occasion shall command.

4. For a special service or for a specified period of regular service, the commissioner will and the superintendent may, designate an officer to take command without regard to seniority in the same grade.

5. When service is to be performed wholly within a division but with the assistance of details from other divisions, officers of rank attached to the home division

and present for duty shall have authority over officers of the same grade, even though senior by appointment, detailed from other divisions.

6. Nothing in these rules or elsewhere shall authorize an officer below the grade of deputy superintendent to take command without special orders in a station house, a bureau, an office or other unit to which he is not regularly assigned; but an officer detailed by the commissioner, the superintendent, a deputy superintendent, the officer in command of the Bureau of Criminal Investigation or his assistant, to a special duty in any part of the city shall be free to carry out his instructions without regard to the authority of any other officer even though such other officer be his superior; and whenever, in his judgment, the exigencies of the particular service in which he is engaged shall so require, an officer so detailed may request specific action by superiors or direct such action by subordinates; and if subsequently called upon so to do, he shall justify such request or direction if complied with, or they shall justify failure or refusal on their part so to comply.

RULE 5.— DIVISIONS AND BOUNDARIES.

The several police divisions with their respective station houses shall be as follows:

STATION HOUSES.

No. 1. Hanover street, near Cross street.
No. 2. Court square.
No. 3. Joy street, near Cambridge street.
No. 4. La Grange street.
No. 5. East Dedham street.
No. 6. Broadway, near C street, South Boston.
No. 7. Paris street, near Meridian street, East Boston.
No. 8. Commercial street, corner of Battery street.
No. 9. Dudley street, near Mount Pleasant avenue.
No. 10. No. 1170 Columbus avenue, near Tremont street.

No. 11. Adams street, near Arcadia street, Dorchester.
No. 12. Fourth street, near K street, South Boston.
No. 13. Seaverns avenue, Jamaica Plain; with sub-station as follows:
Franklin Park, Pierpont road near Seaver street.
No. 14. Washington street, junction of Cambridge street, Brighton.
No. 15. City square, Charlestown.
No. 16. Boylston street, near Hereford street.
No. 17. West Roxbury, corner Hastings and Centre streets.
No. 18. Hyde Park, 1243 Hyde Park avenue, opposite Winthrop street.
No. 19. Morton street, near Norfolk street, Dorchester.
No. 20. Quincy Hall Market Building, South Market street.

DIVISION BOUNDARIES.

When a street is named as a boundary it is always to be understood, unless otherwise specified, that the division line runs through the centre of the street.

When a division line crosses from side to side a drawbridge which is wholly within the city limits, it is always to be understood, unless otherwise specified, that the line passes through the centre of the draw at right angles with the roadway.

When a bridge with or without a draw is not wholly within the city limits it is always to be understood that a division line follows such limits.

A bridge without a draw, whether passing over water or not, is to be considered a part of the street or streets leading to it.

When a division line runs along railroad tracks or a street crossed by a bridge, the division line or the bridge shall correspond with that on the street or the tracks.

When a division line passes over a bridge either longitudinally or from side to side, the same line shall apply to any land or water under such bridge.

When the boundary of a division is on the waters of the harbor, the division shall have concurrent jurisdiction with division 8 over boats and vessels of all kinds moored or lying at wharves within the division.

A division bounded by the waters of the inner harbor shall include wharves, piers or other structures projecting into or over said waters. When the boundary of a division runs through waters of the inner harbor, the area of such waters included in such description, excepting bridges and wharves, piers or other projecting structures, shall be regarded as in division 8.

Lands of the United States used for naval, military, postal, customs or other Federal purposes, and park, parkway lands or other territory under the control of the Metropolitan District Commission, are excepted from the territory included in the divisions.

Division No. 1. To begin at a point on the harbor line in the centre of Long Wharf north; thence northerly and westerly by the waters of the harbor to the Charlestown bridge; thence by said bridge to the channel of the Charles river; thence by said channel through the bridges to the Cambridge line, and by that line to a point opposite the centre of Nashua street; thence to and through Nashua, Causeway, Portland, Hanover and Union streets to a point opposite the centre of Faneuil Hall; thence through the centre of Faneuil Hall market to Commercial street; thence through Commercial and South Market streets to the centre of Atlantic avenue; thence through the centre of Atlantic avenue to a point opposite the centre of Long Wharf north; thence in a straight line

to the point of beginning. The parts of the Faneuil Hall and Quincy market buildings above the ground floor shall be regarded as wholly in Division 2.

Division No. 2. To begin at a point on the harbor line in the centre of Long Wharf north; thence to a point in the centre of Atlantic avenue opposite the centre of Long Wharf north; thence through Atlantic avenue to a point opposite the centre of South Market street; thence through South Market and Commercial streets to a point opposite the centre of Faneuil Hall market and to and through the centre of said market to and through Union and Hanover streets to the centre of Court street; thence to and through Howard, Somerset and Beacon streets to a point in the southwest side line of Park street prolonged into Beacon street; thence to and by the southwest side of Park street to Tremont street; thence by the west side of Tremont street to a point opposite the centre of Winter street; thence to and through the centre of Winter and Summer streets to the centre of Fort Point channel and by the centre of the channel through the bridges to the northeasterly side of the Northern avenue bridge, and thence by the waters of the harbor to the point of beginning. The parts of the Faneuil Hall and Quincy market buildings above the ground floor shall be regarded as wholly in Division 2.

Division No. 3. To begin at a point on the Cambridge line opposite the centre of Nashua street; thence to and through the centres of Nashua, Causeway, Portland and Hanover streets to the centre of Court street; thence through the centres of Court, Howard, Somerset and Beacon streets to a point in the southwest side line of Park street prolonged into Beacon street; thence to the southwest corner of Park and Beacon streets; thence by the south side of Beacon street to the centre of Charles street; thence by the centres of Charles and Beacon streets to a point opposite the centre of Embankment road, formerly called Otter street; thence through Beacon street in a straight line to the point of intersection of the centre line of said Embankment road with the northerly

side line of Beacon street; thence by the end of said Embankment road to the easterly side of said road; thence by the easterly side of said road to the line of the Metropolitan Park reservation known as the Charles River Basin (See St. 1909, c. 524, s. 2); thence by the line of said reservation to the westerly side of the Cambridge Bridge; thence by the westerly side of the Cambridge Bridge to the Cambridge line; thence by the Cambridge line to the easterly side of Cambridge Bridge; thence by the easterly side of said bridge to the Charlesbank Playground of the city of Boston; thence by said playground to the westerly side of the road on the Charles River Dam; thence by said road to the westerly side of Charles street; thence by the westerly side line of Charles street extended in an unbroken straight line in a northeasterly direction to the northeasterly side of the road on the Charles River Dam. (See St. 1911, c. 587); thence by the northeasterly side of said road to the Cambridge line; thence by said line to the point of beginning.

Division No. 4. To begin at the centre of Fort Point channel at the centre of Summer street; thence to and through the centre of Summer and Winter streets to the west side of Tremont street; thence by the line of the Common on Tremont, Park and Beacon streets to and through Charles street to the centre of Park square; thence by the centres of Park square and Columbus avenue to the southerly line of the Boston and Albany railroad location; thence by and including said location to and through Broadway to the centre of the draw of the Broadway bridge; thence northerly by the centre of Fort Point channel and through the intervening bridges to the point of beginning.

Division No. 5. To begin at a point in the centre of the draw of the Broadway bridge; thence through Broadway to and by the northerly line of the New York, New Haven and Hartford railroad location, including said location, to the southwesterly side of Dartmouth street at the southeast corner of the Irvington-street armory; thence by the southwesterly side of Dartmouth street, in-

cluding the same, to the southeasterly line of the location of said railroad; thence by said southeasterly line of said location to Camden street; thence through Camden, Washington, East Lenox, Fellows, Northampton and Albany streets and Massachusetts avenue to and through the centre of the Roxbury canal, to a point opposite the centre of East Brookline street; thence by the southerly water line of South Bay to a point in the centre of South Bay; thence through the centre of South Bay and Fort Point channel to and through the Dover-street bridge to the point of beginning.

Division No. 6. To begin at a point at the waters of the harbor opposite the centre of Dorchester street; thence through Dorchester street to and through the centre of Andrew square to Boston street and to and through Boston street, Willow court and Willow court extended to the New York, New Haven and Hartford railroad location; thence by and including said location to a point opposite East Brookline street; thence by the southerly water line of South Bay to a point in the centre of South Bay; thence through the centre of South Bay and Fort Point channel to and through the city and railroad bridges to the northeasterly side of Northern avenue bridge; thence by the waters of the harbor to the northerly point of South Boston; thence easterly and southerly along said waters of the harbor to the point of beginning.

Division No. 7. To include all the territory within the limits of East Boston and Breed's Island, except the waters of the inner harbor.

Division No. 8. To include all the waters in the inner harbor with the further scope, authority and responsibility described in this manual under Rule 2. The officer in command of the harbor police is also harbor master, and has command of the officers and crews of the police boats, and the men connected therewith.

Division No. 9. To begin at a point in the centre of Willow court at its intersection with Boston street; thence through Willow court and Willow court extended

to the New York, New Haven and Hartford railroad location; thence by the westerly boundary of said location to a point opposite the centre of East Brookline street; thence by the southerly shore line of South Bay to a point in the centre of Roxbury canal opposite the centre of East Brookline street; thence by the centre of Roxbury canal to and through Massachusetts avenue, Albany, Northampton, Fellows, East Lenox and Washington streets to Columbus avenue; thence through Columbus avenue, Seaver street, Blue Hill avenue, Columbia road and Boston street to the point of beginning.

Division No. 10. To begin at a point in the centre of Washington street at the intersection of Camden street; thence to and through Camden and Gainsborough streets and Huntington avenue to a point in the centre of Huntington avenue in line with the curb marking the westerly side of the driveway of Forsyth Way; thence northerly by the westerly side of said driveway to the southerly side of the driveway of the Fenway; thence by the southerly side of the driveways of the Fenway, Riverway and Jamaicaway, as marked by curbs or gutters, crossing the ends of entering streets, to a point opposite the centre of Bynner street; thence to and through Bynner, Day, Centre and Sheridan streets, Chestnut avenue, Mozart, Atherton and Washington streets to the point of beginning.

Division No. 11. To begin at a point in the centre of Columbia road on the bridge over the New York, New Haven and Hartford railroad midway between the abutments of said bridge; thence by the centre line of Columbia road extended in a straight line easterly across Columbus park to the waters of the harbor; thence easterly, southerly and westerly by the waters of the harbor to Victory road bridge and by the bridge to the boundary line between Boston and Quincy; thence westerly by the boundary lines between Boston, Quincy and Milton to the centre of Adams street; thence through Adams street, Pierce square, Washington street, Columbia road, Boston street, Mount Vernon street and Columbia

road to the point of beginning, excluding all of Columbus park.

Division No. 12. To begin at a point at the waters of the harbor opposite the centre of Dorchester street at the waters of the harbor; thence to and through Dorchester street to Andrew square; thence through the centre of Andrew square to and through Boston and Mount Vernon streets; thence through Mount Vernon street to the centre of Dorchester avenue; thence through the centre of Dorchester avenue to the centre of Columbia road; thence through the centre of Columbia road to a point in the bridge over the New York, New Haven and Hartford railroad midway between the abutments of said bridge; thence by the centre line of Columbia road at this point extended in a straight line easterly across Columbus park to the waters of the harbor; thence easterly, northerly and westerly by said waters of the harbor to the point of beginning, including all the park system at City Point, South Boston, and all of Columbus park.

Division No. 13. To begin at a point in the centre of Washington street at the intersection of Morton street; thence to and through Morton and Harvard streets, Blue Hill avenue, Seaver street, Columbus avenue, Atherton and Mozart streets, Chestnut avenue, Sheridan, Centre, Day and Bynner streets to the southerly side of the driveway of Jamaicaway, opposite the centre of Willow Pond road; thence through Willow Pond road to the dividing line between Boston and Brookline; thence by said line to and through Allendale, Centre, Walker, Bussey, South and Morton streets to the point of beginning.

Division No. 14. To include all the territory of the former town of Brighton and of other parts of Boston west of a line beginning at the dividing line between Cambridge and Boston in the centre of the Essex street bridge; thence through the centre of the said bridge and Essex street to the dividing line between Brookline and Boston.

Division No. 15. To include all the territory of the for-

mer city of Charlestown except the waters of the inner harbor.

Division No. 16. To begin at a point in the northerly side of Beacon street at the centre of Embankment road, formerly called Otter street; thence to the centre of Beacon street and through Beacon and Charles streets, the centre of Park square and through Columbus avenue to the northerly line of the New York, New Haven and Hartford railroad location; thence by said line to the southwesterly side of Dartmouth street at the southeasterly corner of the Irvington-street armory; thence by the southerly side of said street to the southeasterly line of said railroad location; thence by said railroad location, and including the same, to and through Gainsborough street and Huntington avenue to a point in the centre of Huntington avenue in line with the curb marking the westerly side of the driveway of Forsyth Way; thence northerly by the westerly side of said driveway to the southerly side of the driveway of the Fenway; thence by the southerly side of the driveways of the Fenway, Riverway and Jamaicaway, as marked by curbs or gutters, crossing the ends of entering streets, to a point opposite the centre of Willow Pond road; thence through Willow Pond road to the dividing line between Boston and Brookline; thence northerly by said dividing line to the easterly side of St. Mary's street extended; thence by the easterly side of St. Mary's street extended and St. Mary's street to and by the south side of Commonwealth avenue to a point opposite the centre of Essex street; thence through Essex street to the centre of Essex-street bridge; thence to and by the easterly side of said bridge to the southerly side of the Charles River Basin, as defined by St. 1909, c. 524, s. 2; thence by said Charles River Basin to Massachusetts avenue; thence by said avenue to the Cambridge line; thence by the Cambridge line to the easterly side of said bridge; thence by the easterly side of said bridge to the northerly side of Back street; thence by the northerly side of Back street to said Embankment road; thence by the westerly side of said road to the northerly side of

Beacon street and by said northerly side to the point of beginning.

Division No. 17. To begin at a point in the centre of Washington street at the intersection of Morton street; thence through Morton and Harvard streets to and by the dividing lines between Boston and the former town of Hyde Park, Boston and Dedham, Boston and Newton, and Boston and Brookline, to the centre of Allendale street, thence through Allendale, Centre, Walter, Bussey, South and Morton streets to the point of beginning.

Division No. 18. To include all the territory of the former town of Hyde Park.

Division No. 19. To begin at a point on Wood Avenue at the dividing line between Boston and the former town of Hyde Park, opposite the centre of Harvard street; thence to and through the centre of Harvard street, Blue Hill avenue, Columbia road, Washington street, Pierce square and Adams street; thence by the boundary lines between Boston and Milton and the former town of Hyde Park to the point of beginning.

Division No. 20. Traffic Division. This Division shall have no fixed boundaries but shall be charged with the duty of enforcing laws, ordinances and rules and regulations pertaining to traffic and travel in such parts of the City as shall be prescribed by the Commissioner or the Superintendent.

RULE 6.— APPOINTMENTS, RESIGNATIONS.

1. The police shall not engage in efforts to aid persons in obtaining appointments to the department. Certificates of appointment will be signed by the police commissioner.

2. Before entering on the discharge of their duties persons appointed to the police force shall take and subscribe to the following oaths before the police commissioner:

"I, ——— ———, do solemnly swear that I will bear true faith and allegiance to the United States of America and the Commonwealth of Massachusetts and will support the constitutions and laws thereof. So help me God.

"I, ——— ———, do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent on me as a police officer of the city of Boston and will obey and be bound by such rules and regulations as are or may be, from time to time, laid down for the government of the police department of said city. So help me God."

They shall also subscribe their names to the following agreement:

"I,———, hereby accept the office of ——— on the police force of the city of Boston."

3. A resignation shall be in writing, with the signature thereto verified in writing by a witness who is a member of the department, and shall be presented to the commissioner at least seven days before the day it is desired to take effect; but in case of absence or other disability or for other reasons satisfactory to the commissioner, the seven days' notice may be waived by the commissioner. A resignation shall be addressed to the commissioner and may be accepted by him at his discretion.

RULE 7.— PROMOTIONS, TRANSFERS, ASSIGNMENTS.

1. Promotions, assignments to posts and transfers will be made by the commissioner, and details to particular duties will be made by him or with his approval or, under the authority elsewhere given in these rules, by the superintendent or by commanding officers.

2. Members of the force may hope to rise to higher positions through activity, intelligence and good conduct. As in all other large bodies of men, whether military, industrial or commercial, the great majority must be in the ranks at any given time. The members of the force have the satisfaction, however, of knowing that every advanced position is filled by an officer who began at the bottom; that all advanced positions that exist are theirs; and that promotions are influenced by no consideration whatever except opportunity and the merit of the man.

3. Members of the force desiring promotion, transfers or assignments to particular duties are free to make

their desires known through the proper channels; and at suitable times members in person will be received by the commissioner at his office. But should a member cause a person not his superior in the force to intervene or to make representation in his behalf to the commissioner or to any superior officer, personally, or by letter, or petition, he shall be deemed guilty of conduct unbecoming an officer.

RULE 8.—SECRETARY.

The secretary shall perform such duties, keep such records, issue such notices and attest such papers and orders as the commissioner shall direct. He shall, before entering on the discharge of his duties, take and subscribe to the following oath before the police commissioner:—

"I, ———, do solemnly swear that I will faithfully and impartially discharge all the duties incumbent on me as secretary to the police commissioner of the city of Boston. So help me God."

RULE 9.—CHIEF CLERK.

1. The chief clerk of the department shall be appointed or assigned by the commissioner, under whose authority he shall have direction and supervision of the clerical work of the department.

2. He shall keep fully and accurately all the books, records, accounts, reports, papers, etc., pertaining to the business of the department that are required to be kept at the office of the commissioner or of the chief clerk. With the approval of the commissioner he shall provide for public telephone service as required by the department. He shall make out all pay rolls, examine and correct all bills, and cause the same to be properly entered, filed and transmitted to the city auditor. He shall receive all money collected by the department for public purposes, and pay the same to the city collector. He shall deposit in a bank or trust company designated by the commissioner and to the credit of "the Police Commissioner for the city of Boston" all money received in the department

when the amount on hand exceeds one hundred dollars in any one day. When any license issued by the commissioner is revoked or suspended the chief clerk shall note the fact upon the face of the record of the license, and shall cause written notice to be given to the holder of the license by the delivery of the same to him in person or at the place of business designated in the license.

3. He shall have control and direction of the clerks in his office, shall report to the commissioner any serious neglect of duty or improper conduct on their part, and may, in his discretion, grant leave of absence not exceeding two days to any such clerk.

4. The office of the chief clerk shall be kept open for the transaction of business each secular day, except Saturdays, legal holidays and June 17, from 9 A.M. to 5 P.M., and on Saturdays the office hours shall be from 9 A.M. to 1 P.M.; but for special reasons these hours may be changed temporarily, from time to time, by direction of the commissioner.

RULE 10.—SUPERINTENDENT OF POLICE.

1. The superintendent of police, hereafter called "the superintendent," shall be the chief executive officer of the department, subject only to these rules and to the direction of the commissioner. He shall have authority over all divisions, bureaus, offices and other units of organization named in section 2 of Rule 3 and such others as may be established, and over all members of the force assigned thereto and all other persons employed therein; excepting that the offices of the commissioner and the chief clerk, with all persons attached thereto, whether members of the force or employees, shall be under the immediate direction of the commissioner.

2. The superintendent shall be responsible for the enforcement of all laws, ordinances and regulations which the police have authority to execute; he shall engage in no other business; his office shall be kept open at all times; and he shall report to the commissioner each morning his doings and those of the police for the next

preceding twenty-four hours, and all other matters proper subjects for report. The superintendent shall inspect the reports of the officers in charge of divisions and of the inspectors of police daily, and communicate to the department all information contained therein that may aid in restoring lost, abandoned and stolen property to the owners thereof, missing persons and lost children to their friends, and the arrest and conviction of criminals who may be at large and are wanted for trial.

3. The superintendent shall so organize his office that at all times when he himself is absent it shall be under command of a deputy superintendent, or when a deputy superintendent is not present, it shall be under command of another superior officer designated by the superintendent. He shall also establish a routine of daily duties which shall be performed by officers designated by him from among those assigned or detailed to his office. The officer in command, whether a deputy superintendent or of a lower grade, shall be regarded as for the time being the representative of the superintendent, and as such his directions concerning matters originating at headquarters or referred thereto shall be obeyed throughout the department. An officer obeying such directions shall be responsible for the consequences only in so far as the information given by him on which the directions were based may have been erroneous or incomplete. Officers designated to perform the routine work of the office by the superintendent shall be subject only to him, to the officer in command and to their superior officers similarly designated.

4. The superintendent shall visit as often as practicable, or shall cause to be visited by a superior officer designated by him, all station houses and other buildings or parts of buildings occupied by the department, for the purpose of observing whether or not they are well kept and are conducted in all respects in accordance with the rules. He shall inspect, or cause to be inspected, the men in the station houses and the streets in order to note any appearance of neglect or of improper per-

formance of duty. He shall instruct subordinate officers in all branches of their work and see that similar instruction is given to the men in the several divisions, bureaus, etc. Keys to police boxes may be issued to responsible citizens by the superintendent.

5. General orders to the department issued by the commissioner shall be promulgated effectively by the superintendent, and he shall have the right to issue on his own authority such other orders, written or oral, as are not inconsistent with these rules.

RULE 11.— DEPUTY SUPERINTENDENTS.

1. Deputy superintendents shall perform such duties as may be assigned to them respectively by the commissioner or the superintendent.

2. In the absence of the superintendent the senior deputy superintendent on duty in his office shall have and exercise all the powers conferred by these rules upon the superintendent; but the commissioner will, at his discretion, or the superintendent may, with the approval of the commissioner, designate for the exercise of such powers a deputy superintendent other than the senior.

RULE 12.— BUREAU OF CRIMINAL INVESTIGATION.

1. The central detective agency of the department shall be known as the Bureau of Criminal Investigation. To it shall be assigned or detailed from time to time the chief inspector and inspectors of police and such other officers of different grades and such employees as the commissioner shall determine. They and the work of the bureau shall be under the immediate command and direction of the officer of highest grade and rank so assigned, who shall be subject to the authority only of the commissioner, the superintendent or a deputy superintendent when acting as superintendent. He shall have as an assistant an officer of a grade not lower than that of captain, and such assistant, besides performing the duties assigned to him by the commanding officer, shall have and exercise all the responsibility and authority of that officer when he is absent.

2. The commanding officer shall be responsible for the proper keeping of the records required to be kept in the bureau, shall conduct and file and index all correspondence, and shall preserve letterpress copies of all letters or telegrams sent from the bureau.

3. He shall have general supervision of pawnbrokers, private detectives, junk shop keepers and dealers in second-hand articles, and shall investigate and report upon all applications to act as such.

4. He shall arrange for the collection of portraits and other material useful for the identification of criminals or suspected criminals, to be kept in the bureau; and the portraits so collected shall not be shown to any person not a member of the police force excepting upon the order of the commissioner, the superintendent, a deputy superintendent while acting as superintendent, the head of the bureau, or the officer detailed as his assistant.

5. He may order and allow, with the approval of the superintendent, any officer assigned or detailed to the bureau to leave the city on business of the department; and in an emergency, when the approval of the superintendent cannot be obtained, he may so order or allow without such approval, making an immediate report of the facts to the superintendent.

6. He shall make to the superintendent daily, monthly and annual reports of the work of the bureau and such special reports as may be required by the commissioner or the superintendent.

RULE 13.— INSPECTION OF CLAIMS.

1. There shall be an office for the examination of claims, and the officer assigned to be in charge of it shall be known as the inspector of claims. It shall be his duty and under his direction, the duty of such officer or officers as may be assigned or detailed to assist him, to inquire into all cases of accident from which a claim against the City of Boston might arise, to collect the evidence relating thereto and to perform such other service in connection therewith as may be requested

by the law department of the city or the city council committee on claims.

2. The inspector of claims is designated to receive information regarding claims for damage done by dogs to sheep, fowl or other domestic animals, and to investigate, appraise and determine the amount of the damage done in each case, as provided by G. L., c. 140, ss. 161–165.

RULE 14.— INSPECTION OF CARRIAGES.

1. An officer of rank shall be assigned as inspector of public carriages. He shall have general supervision of all hackney carriages, cabs, and other public passenger vehicles (except street railway cars), and shall enforce all rules and regulations relating to the same. He shall examine and report upon all applications for licenses to set up and use such vehicles, and to drive the same. He shall report to the superintendent daily. He shall report daily and in writing to the superintendent all complaints and the disposition thereof.

RULE 15.— SIGNAL SERVICE.

1. The director of signal service shall have general supervision of the police signal system, and the control and direction of all electricians, signalmen, linemen and other employees engaged in its construction and maintenance.

2. He shall be provided with suitable accommodations at headquarters, where he can be in telephonic communication with each division.

3. He shall see that the instruments, batteries, lines and boxes are kept in proper order. He shall examine all requisitions for electrical supplies for the system, and none shall be filled without his approval; and he shall approve all bills on account of said electrical supplies.

4. He shall be immediately notified of any defects in the system, and shall take prompt measures to remedy the same. When signalmen are called away during their tour of duty they shall keep in telephonic communication with headquarters.

5. He shall make to the commissioner an annual report of his branch of the service.

6. The expense account of the signal service shall be kept separate and distinct from the other department expenses as far as may be practicable.

RULE 16.— PROPERTY CLERK.

1. The property clerk will be appointed by the commissioner, who will assign him suitable offices.

2. Unless otherwise provided, he shall purchase for, and, if the same is not in use, shall have charge of, all property of the department, and keep a correct account thereof. He shall not deliver any of said property to any one excepting on a requisition in writing, as provided in Rules 17 and 18.

3. He shall receive, record and have general charge and custody of all money or other property alleged to have been feloniously obtained, or which shall have been lost or abandoned, and thereafter taken into custody by any member of the force, or which shall have been taken from any person arrested for any cause, except as herein otherwise provided; and shall deal with all such property and its proceeds in the manner provided by law. (See G. L., c. 135, ss. 7–11.) If any such property is of a perishable nature, or will deteriorate greatly in value by keeping, or if the expense of keeping it will be likely to exceed the value thereof, he shall cause such property to be sold at public auction as soon as it can conveniently be done, having regard to the nature of the property and the chances of finding the owner thereof, first giving reasonable notice of the time and place of sale by publishing the same in some newspaper published in Boston.

4. No notice shall be issued as to matters in any way relating to the office of property clerk by any person connected with the police department, excepting by said clerk, unless otherwise ordered by the commissioner or the superintendent.

5. The property clerk shall, subject to the general supervision of the superintendent, have the care and management of the Joy-street stable and the employees,

horses and property therein, and of the repair shop for motor vehicles of the department and the employees and property therein.

RULE 17.—SUPPLIES AND REPAIRS.

1. Articles of equipment or consumption may be purchased by the property clerk and kept on hand at his discretion, at such prices and under such conditions as the commissioner or the superintendent shall approve.

2. Requisitions shall be sent to the property clerk for all supplies needed in the department, including stationery, and also for repairs to department property in station houses and other units.

In cases of emergency, where supplies are needed quickly or repairs are needed immediately, division commanders will telephone to the property clerk and then send requisition afterward.

3. For uniformity and convenience in care and distribution, all articles purchased under the authority of the preceding sections shall be delivered to the property clerk, except that articles of stationery purchased for use in the office of the chief clerk or of the commissioner, may be delivered to the chief clerk on his order.

When articles purchased by the property clerk in accordance with the rules are of such character, in respect to bulk or otherwise, that their delivery directly to the place at which they are to be used or consumed will promote economy or convenience, they may be so delivered.

4. All printing for the department shall be done under the direction of the property clerk. In cases in which the printing is not a part of an article in the stationery list, he shall order it only on requisitions first approved by the commissioner and the superintendent; except that when the printing is for the office of the commissioner, or of the chief clerk, the approval of the superintendent shall not be required, and when it is needed for immediate use, as in a circular advertising a fugitive or a lost person, or in a similar emergency, it may be ordered by the

superintendent, who shall afterwards forward the requisition to the property clerk.

5. Except in emergencies, commanding officers shall not make direct purchases of supplies, and shall not incur expense for services otherwise than in conformity with the provisions of this rule; but in accordance with the existing practice, they are authorized to make small cash expenditures for such items as food for prisoners, car fares, etc., rendering a monthly bill therefor. In cases of extreme emergency, they are also authorized with the approval of the superintendent in each case, to incur expenses for horseshoeing, for repairs on harnesses, for repairs, care and storage of department vehicles in their custody, and for similar purposes necessary to the carrying on of their respective divisions or units. Bills for such services and material will be made to the department.

6. When supplies are required in any division or other unit, the commanding officer thereof shall make requisition on the property clerk therefor, stating specifically the number required of each article.

7. Expenses for repairs or other outlay on property, fixed or movable, owned by the department or in its custody, shall be incurred directly by commanding officers only as provided in section 5. In all other cases they shall be incurred only on requisitions addressed to the property clerk and approved by the superintendent, and when the estimated amount of the expense exceeds one hundred dollars, the approval of the commissioner also shall be necessary. Such repairs or outlays in the office of the commissioner or of the chief clerk shall be made on requisitions approved by the commissioner. Repairs when authorized shall be carried out under the direction of the property clerk.

8. When supplies are bought or repairs or other outlays are made in emergencies and before the proper requisitions therefor can be allowed, the requisitions shall be forwarded in accordance with the rules as soon thereafter as practicable.

9. All bills against the department shall be made in

duplicate, one to be approved by the officer by whose authority the expense was incurred, and forwarded to the property clerk on or before the first day of each month. Officers attesting bills for payment by the department shall write their names and the number or other designation of their respective divisions or other units on the upper left hand corner of each bill, excepting bills for repairs, materials or supplies, on which the officers attesting such bills for payment shall write their names and the number or other designation of their respective divisions or other units, within the space stamped thereon, provided for the purpose.

RULE 18.— DEPARTMENT PROPERTY.

1. All property owned or controlled by the department, whether for general purposes or in use by individual members, shall be in the immediate custody of the commanding officer of the division or other unit to which it is assigned; but such custody over the headquarters buildings, except the parts occupied by the commissioner and the chief clerk, and over movable property in use in all parts, except those just designated, shall be exercised by the superintendent.

2. When equipments, clothing or other property usually supplied by the department to individual members are needed, the officer commanding the division or other unit to which such member is attached shall make requisition on the property clerk and receipt therefor, and shall in turn require and retain a receipt from the member to whom the property is issued.

3. When a member of the force is transferred from one division or unit to another, he shall retain all the property of the department then in his possession, excepting hat numbers, and keys, which he shall deliver to the commanding officer of the division or unit from which he has been transferred. Such officer shall then give to him a certificate setting out his name and place of residence and the fact of his transfer, and enumerating the articles of department property which the member

retains in his possession. This certificate shall be verified by the commanding officer of the division or unit to which the member has been transferred.

4. When a member of the department dies, resigns or otherwise ceases to be a member thereof, the commanding officer of the division or unit to which he was attached at the time of his so ceasing to be a member shall see that all department property in the member's possession is returned to the department; and at the discretion of the commissioner no resignation shall take full effect until such property has been so returned.

5. Officers in charge of divisions or units shall, on the last day of April and October in each year, make detailed reports to the superintendent of all property in their possession belonging to the department, and the condition of the same.

6. When an officer in charge of a division or unit is discharged, retired or transferred, he shall turn over to his successor all property belonging to the police department in his possession, or under his care, together with a full and specific inventory thereof, and take a receipt therefor. He shall forthwith file with the property clerk a copy of such inventory and receipt.

7. Whenever any officer loses any part of the police equipment which is the property of the police department or of the officer and whenever any part of such equipment is injured or destroyed, the officer shall forthwith report the fact to the commanding officer of his division who will forthwith cause the said officer to make a report in writing stating all the facts in detail, particularly as to the manner in which said property was lost, injured or destroyed. The commanding officer will at once forward the report to the superintendent and annex thereto a report signed by himself in which he will give his opinion as to whether the loss, injury or destruction could have been avoided by reasonable action on the part of the officer, and the commanding officer shall also make his recommendation as to whether such equipment should be replaced without expense to the officer if department

property, or whether the officer should be reimbursed if it was his own property.

RULE 19. — CONDEMNED PROPERTY.

1. No property of the department shall be sold, given away, destroyed or otherwise disposed of except under authority of the commissioner, and the proceeds of any sale shall be held subject to his order.

2. Whenever any property belonging to the department shall from any cause become unfit for use the member having it in charge, or who is responsible for it, shall report to the superintendent a description of said property and its condition. The superintendent shall from time to time detail three superior officers, who shall constitute a board of survey and inspection, to examine such property and make report to him thereon, together with their opinion as to its proper disposal.

3. The superintendent may at any time order the board of survey and inspection to examine into the condition of any property belonging to the department, whether reported unfit for use or not, and to report to him thereon, with its opinion as to its proper disposal.

4. The superintendent shall forward all reports herein ordered to be made to the commissioner.

RULE 20.— PROPERTY HELD FOR OTHERS.

1. All lost or abandoned or other money or property coming into the possession of any police officer, by virtue of his office, shall be by him delivered to the officer in charge of his division or unit, who shall receive the same for transmission to the property clerk and enter a description thereof on the journal, together with the time and place when and where it was obtained, and carefully mark it for the purpose of identification. Said property shall then be transmitted within twenty-four hours to the property clerk, except as herein otherwise provided.

2. Officers in charge of divisions or units may deliver all such lost, abandoned or other money or property

which may come into their possession by virtue of their office to the owners thereof, within twenty-four hours after the same shall have been received by them, and shall take a receipt therefor from the person to whom they deliver it.

3. Officers in charge of divisions or units shall cause all animals, vehicles or other cumbrous or perishable property which may come into their possession as lost, stolen or abandoned, or as having been taken from any person arrested, to be stored and kept in some proper place, and within twenty-four hours shall send notice thereof to the property clerk. The property clerk may at any time before the sale of such property as provided by law, deliver the same to the owner thereof upon his giving a receipt therefor and paying all expenses incurred by the police department thereon.

4. Whenever any money or other property shall be needed to be used as evidence in any case in court, it may be retained by the officers concerned in the case until after the final disposition of said case, and shall then be forthwith turned over to the property clerk, unless otherwise disposed of by the Court.

If any of such money or other property placed in custody of the property clerk shall be required to be used as evidence in any court, he shall, upon an order from the Court to that effect, deliver such property to the officer who shall present the order. Such property, after being so used, shall be returned to the property clerk.

5. Whenever money or other property which shall be alleged or supposed to have been feloniously obtained, or to be the proceeds of crime, shall be taken from any person or persons arrested, and shall come into the custody of the property clerk, and the ownership of such property shall be claimed by or in behalf of any person other than the person or persons arrested, and the said arrested person or persons shall be held for trial or examination, or be subsequently indicted for having stolen or feloniously obtained possession of said property and, on trial of said indictment be acquitted or discharged,

or when a *nol pros* shall be entered on such indictment, the property clerk shall not, without the consent of the superintendent, deliver said property to said accused persons except by order of the court in which said case was finally disposed of, or that of the district attorney who shall have disposed of it.

Whenever any such money or other property shall be adjudged by a magistrate to rightfully belong to a claimant, or the person arrested with such property shall be adjudged innocent of the offence alleged, then, upon the written order of such magistrate, the property clerk shall deliver to the person himself such property or money; but not to any attorney, agent or clerk of said person, unless by order of the superintendent or the commissioner.

6. Whenever any money or other property shall have been taken from any insane person, or from any person coming into the custody of the police for any other cause, and shall have come into the possession of the property clerk, and there is no adverse claimant therefor, he may, with the approval of the superintendent, deliver the same, or any part thereof, to such person, or on his order, or to his legal representatives. (See Rule 16.)

7. Property forfeited by law for an offence shall be disposed of as specifically provided for by the law under which it is forfeited.

8. All money received by the commanding officers of the several divisions or units which is to be transmitted to the chief clerk of the department shall be so transmitted upon the morning of the day succeeding its receipt by the division or unit, except such succeeding day falls on a Sunday or legal holiday or June 17, and in such case, upon the next succeeding working day.

RULE 21.—CITY PRISON.

1. The city prison shall be in charge of a keeper appointed by the commissioner. The keeper shall have as assistants such other members of the force as may be assigned thereto by the commissioner.

2. The city prison shall be open at all times for police purposes, in charge of the keeper or of one of the assistant keepers; and should special assistance be required, headquarters will be notified. Under the provisions of G. L., c. 40, s. 37, it is required that the keeper and assistant keepers of the city prison shall at all reasonable hours keep the same accessible for any legal and proper use to members of the state police, and to all sheriffs, constables and police officers.

3. The keeper shall have personal supervision of the prison and be responsible for its proper and cleanly condition, and for the safe-keeping and humane treatment of all prisoners committed thereto.

4. He shall be on duty each day from 8 A.M. until 6 P.M., during which time he shall not leave the prison without permission from the superintendent.

5. He shall keep a record of all prisoners received into and discharged from the prison, and shall make a daily report to the superintendent in such manner and at such time as the superintendent may order; and he shall keep such other records and make such other reports as may from time to time be required by the commissioner or the superintendent.

6. Under the direction and authority of the keeper, officers assigned to assist him shall have charge of the prison in his absence, exercising and performing at such times all his powers and duties.

7. The periods of regular service of members of the force assigned to the prison shall be established from time to time by the keeper under direction of the superintendent, but extra service may be required of them whenever necessary.

8. Janitors appointed by the commissioner shall be on duty such hours as the keeper shall designate. They shall keep all parts of the prison in proper order and condition, and see that the food of the prisoners is of good quality and suitably prepared. They shall also perform such other duties as may be required of them by the keeper.

9. Civility and attention shall be shown to every person visiting the city prison on proper business. Persons without such business and those whose business has been finished shall not be allowed to remain in the office, the officer in charge at the time to be the judge and to be responsible.

No person not a police officer assigned to the city prison shall enter or remain behind the desk, except that for proper business purposes such person may be admitted by the officer in charge or by an officer of rank assigned to the city prison.

No person shall be allowed to visit the cells without permission of the officer in charge except on a written order from the commissioner, the superintendent, a deputy superintendent or the chief inspector.

10. Cells shall be kept clean and well ventilated. Doors of cells in which prisoners are confined shall be carefully locked and bolted, and the keys kept in the office.

11. No intoxicating liquors other than those held after search or as evidence, shall be introduced upon any pretext into the prison, except when ordered by a physician. Smoking shall not be allowed, except in such place as may be designated by the keeper.

12. When breakfast is furnished to prisoners it shall be served not later than 9.30 o'clock A.M. Dinner shall be served at 1 o'clock P.M.

13. Rules relating to the police, to station houses and to prisoners shall be observed, in so far as applicable, in the city prison and by the officers thereof.

14. An officer delivering a prisoner at the city prison shall be held responsible for him until the officer in charge of the city prison has examined the commitment papers and an officer of the prison has removed the prisoner from the office.

RULE 22.— HOUSE OF DETENTION.

1. The House of Detention shall be in charge of a chief matron who, together with an assistant chief matron

and assistant matrons, will be appointed from time to time by the commissioner in accordance with the provisions of law.

2. The House of Detention shall be open at all times, in charge of the chief matron, the assistant chief matron or an assistant matron; and should aid in emergency be required, headquarters shall be notified.

3. The chief matron shall have personal supervision of the House of Detention, and shall be responsible for its proper and cleanly condition, and for the safe-keeping and humane treatment of all prisoners committed thereto.

4. She shall be on duty each day of service from 8 o'clock A.M. until 6 o'clock P.M., during which time she shall not leave the house without permission from the superintendent.

5. She shall keep a record of all prisoners received into and discharged from the prison, and shall make a daily report to the superintendent in such manner and at such time as the superintendent may order; and she shall keep such other records and make such other reports as may from time to time be required by the commissioner or the superintendent.

6. The periods of regular service for the assistant chief and assistant matrons shall be established from time to time by the chief matron, subject to the approval of the superintendent and also to the following conditions: That full relief from duty one day in each seven shall be allowed to all matrons; and that at all times between 6 P.M. and 8 A.M. daily a matron additional to the matron in actual charge shall remain in the house subject to call. Extra service may be required of matrons whenever necessary.

7. The van drivers attached to the House of Detention shall alternate weekly in doing day and night duty. The hours of day duty shall be from 8 o'clock A.M. to 6 o'clock P.M. and of night duty from 6 o'clock P.M. to 8 o'clock A.M. They shall be responsible for the proper care and treatment of their horses, harnesses and vehicles, and for the safe custody of the prisoners committed to their care.

8. Civility and attention shall be shown to every person visiting the House of Detention on proper business. Persons without such business and those whose business has been finished shall not be allowed to remain in the office, the matron in charge at the time to be the judge and to be responsible.

No person not a matron of the House of Detention shall enter or remain behind the desk, except that for proper business purposes such person may be admitted by the matron in charge or by the chief matron or the assistant chief matron.

No person shall be allowed to visit the cells or dormitories without permission of the matron in charge, except on a written order from the commissioner, the superintendent, a deputy superintendent or the chief inspector; and, if a male person, only in company with a matron.

9. Cells and dormitories shall be kept clean and well ventilated. Doors of cells and rooms in which prisoners are confined shall be carefully locked and bolted, and the keys kept in the office.

10. Rules relating to the city prison, to station houses and to prisoners shall be observed and enforced in so far as the same are applicable.

RULE 23.—STATION HOUSE MATRONS.

1. Police matrons appointed by the commissioner for Divisions 7, 9, 10, 13, 14, and 19, shall live within a reasonable distance of the station houses to which they are respectively attached, and shall hold themselves in readiness to respond to any call therefrom at any hour of the day or night.

2. They shall have the entire care and charge of women held under arrest in the station houses to which they are attached, but may at any time call upon the officer in command of such station for assistance.

3. They shall be controlled in the treatment of prisoners by the rules relating to women and in so far as they are applicable by those relating to men.

4. They shall not be subject to the control or direction of any police officer attached to a station except the officer in command thereof at the time.

5. They shall remain constantly at the station houses so long as any woman is detained or held under arrest therein.

RULE 24.— DIVISION COMMANDERS.

1. An officer assigned to the command of a division may be known for convenience, in rules and orders, as a "Division Commander." Otherwise he shall sign and shall be addressed under his official title.

2. A division commander, subject to the orders of his superiors in command and to the rules of the department, shall have control of all members of the force attached to his division; and, with the approval of the superintendent, he may make minor rules for their conduct and for the use of the station house.

Commanding officers shall have a monthly inspection made of pocket manuals of all officers in their divisions.

3. He shall be held strictly responsible for the preservation of the public peace and enforcement of law in his division, and for that purpose may station the men under his command in such parts of the division, and assign them to such duties, as he may deem expedient, under the supervision of the superintendent and in accordance with the rules of the department.

4. In case of riot or sudden emergency in his division, he shall forthwith proceed to the scene of disturbance with all the force he can muster, and be vigilant in suppressing the disorder. Should he have any doubt of his ability to preserve the peace, or to restore order, he shall immediately send notice to headquarters.

5. He shall receive into his custody, and safely keep all persons arrested in his division for any offence, and shall, before the opening of the next session of the municipal court, unless they be otherwise lawfully disposed of, cause them to be conveyed to the city prison or other authorized place of detention, there to await the action

of the appropriate court. He shall be held responsible for the escape of any prisoner from the station house under his command.

6. When a person has been found guilty of keeping a place resorted to for prostitution, lewdness, illegal gaming, unlawful sale of intoxicating liquor, or for keeping and maintaining a common nuisance in his division, it shall be the duty of the division commander to notify promptly the owner of the premises, on which the offence was committed, by filling out a blank furnished for the purpose and causing it to be delivered to him.

7. A division commander, in addition to his duties under the statutes, the ordinances and the rules and orders of the police department, shall have general police supervision over all persons holding licenses or permits issued by the police commissioner, the licensing board or any municipal officer, board or commission. He shall make reports when called upon so to do preliminary to the issuance of such licenses or permits. In cases of violation of law or of the conditions of a license or a permit, he shall either cause the offender to be prosecuted or report the facts in writing to the superintendent, and when a prosecution has been made he shall make a written report thereon.

No applications are to be received by the police for licenses which are issued by the licensing board. Persons applying at stations for such licenses shall be referred to the office of the licensing board. Division commanders and other officers of rank will be careful in dealing with persons who call upon them for approval before applying for licenses upon which the police department must afterwards give official judgment. Whether a license is to be given by the police commissioner or by any other official or official body under police advice, the first proper step is to file a formal application in the appropriate office. When that application reaches a commanding officer, it becomes his duty for the first time to express a free and deliberate opinion; and from that opinion he should not afterwards be moved by persua-

sion or any influence other than better information or an honest change in his own judgment.

The suggestion as to dealing with persons before they have made their applications is not a precise rule but a warning to be careful of creating complications.

8. A division commander shall visit all parts of his division as often as once each week, noting the condition of the streets, sidewalks, street lights, etc., obstructions, nuisances and non-compliances with the city ordinances, and all other matters requiring the attention of the police. He shall report to the superintendent in all cases of contagious disease, and any negligence which may expose the city to danger by fire, and all matters which require the attention of city departments. Division commanders will make a report in duplicate each week of all cases where doors or windows are found by police officers open or unfastened. They will instruct the officers of their station that when they find doors or windows open or unfastened, they shall, as soon as possible and not later than their next duty pull, notify the officer in charge of the station, who shall thereupon make a record of the matter.

9. He shall, with the approval of the superintendent, establish in his division routes for day, and also for night, so arranged that the whole territory shall be covered at all times by men on duty, each man being placed, as far as practicable, where he will be most useful and efficient, and he shall designate relieving posts for each route; but no patrolman shall be assigned permanently to the route on which he lives without the approval of the superintendent. When two or more patrolmen are required to report at the same signal box, division commanders shall so arrange that not more than one patrolman shall be at a particular box at a given time.

10. He shall keep himself informed as to political and other meetings and similar occasions likely to attract large numbers of persons at particular places in his division, and when necessary in his judgment or when so ordered by the superintendent shall send thereto sufficient men to assure order.

11. He may detail men of his command for the performance of special duty on the division, either in uniform or plain clothes; provided, however, that such detail shall not continue for a longer period than three days without the approval of the superintendent.

12. He shall be responsible for the proper keeping of the records and accounts of his division, and for the accuracy of the time rolls; and shall be accountable for all property and money received in his official capacity.

13. He shall make the following regular reports on blanks furnished for the purpose:

Daily.— Morning report of arrests and all matters of importance occurring on the division during the twenty-four hours ending at 8 o'clock A.M.

Monthly.— Classified report of arrests for the preceding month. Names of absentees. Names of officers who have performed meritorious services or have been reprimanded or cautioned. Ambulance service. Number of prisoners transported in prison vans. Physicians' services to prisoners. Carriage hire. Gas consumed.

Quarterly.— Miscellaneous work. Disposition of cases.

Semi-annual.—Property report.

Special.—Arrests for violation of liquor law, liquor seizures, gambling raids, house of ill-fame prosecutions, condition of horses, sick investigations; also such special reports as may be called for from time to time. When felonies are committed on his division he shall immediately forward special reports of the same to headquarters; such reports may be made by telephone.

14. A division commander shall report to his station at 7.40 A.M. daily, except that on police listing days and primary and election days he shall report for duty not later than 6 o'clock A.M., and thereafter he shall be at his station-house throughout the day unless necessarily called away. Before leaving his post he shall enter in his own hand-writing, on the journal, the time, the duty on which he has been called away, and the name of the officer left in charge; and immediately upon returning to the station-house he shall enter upon the journal the time of

return and the name of the officer in charge whom he relieved. While in the station-house he shall answer promptly and personally as far as possible, all telephone calls from headquarters.

A division commander, when leaving the station to go on the division shall, from time to time, keep in touch with the station-house, and before leaving shall notify the officer left in charge where he is going, so that if wanted in an emergency, he can be communicated with immediately.

A superior officer designated by the superintendent will, from time to time, inspect journals of the several divisions to see that the provisions of this section are complied with.

15. He shall attend personally at all roll-calls within the periods in which he is on duty, unless necessarily absent on police business; except that when there are no general or special orders requiring explanation he may absent himself after the roll-call at 5.45 P.M., leaving the roll at 6.15 P.M. to be called by the officer in charge for the first half of the night. At the roll-call he shall communicate all necessary information and orders, note and report all absentees, and carefully read and explain all special orders relating to the division, and all general orders and decisions of the commissioner.

16. He shall daily inspect the men, reform any negligence in attire, want of cleanliness or neatness, or other improper personal habit, and report to the superintendent every case of sickness, misconduct, neglect, or unfitness for duty.

17. He shall see that after the men have arisen in the morning the bed clothes, dormitories and rooms are properly aired, and that these and the entire station-house are clean and free of vermin at all times.

18. He shall instruct the men as to their conduct at fires or riots, in making arrests or complaints, as to defects in the highways, nuisances and accidents, in procuring information, or other matters pertaining to their duty. He shall see that each officer has a copy of the

rules of the department, and studies and obeys them; and that general orders, besides being read at roll-call, shall be so displayed as to be accessible for individual reading.

19. He shall frequently inspect or cause to be inspected, as described in G. L., c. 140, s. 181, "theatrical exhibitions, public shows, public amusements and exhibitions of every description to which admission is obtained upon payment of money or upon the delivery of any valuable thing, or by a ticket or voucher obtained for money or any valuable thing, or in which, after free admission, amusement is furnished upon the deposit of money in a mechanical device known as a nickel-in-the-slot machine or penny-in-the-slot machine or other similar machine."

He shall watch not only for exhibitions that are actually obscene but for those that are degrading or suggestive of immorality, especially when the conditions are such as to attract persons of immature years, and shall report findings of such character to the superintendent, in order that exhibitions which are not sufficiently flagrant to warrant prosecution in court may be reached through the licensing authority.

20. Division commanders and all other officers are instructed that when persons who are destitute or apparently destitute are found at their places of residence by the police, the promptest possible notice should be sent by them to the Overseers of the Poor at their office, or to their district agent. Should immediate relief seem to be necessary it may be solicited by the police from any proper local source, but publicity must not be given by them to any such case. The destitute have rights of privacy which ought to protect them from the public exposure of their misfortunes.

21. Commanding officers of divisions shall be held responsible for the proper care and management of the signal system in their respective divisions. They shall see that the apparatus is kept in effective working condition, and shall promptly notify the director of signal

service of any defects. They shall see that the officers of their respective commands are instructed in the use of the system.

22. Stables, wagon houses and garages shall be kept clean and neat. Horses shall be kept well groomed, and careful attention must be paid to their diet. Drivers shall be responsible for the proper care of horses, harnesses and quarters. The day driver shall be responsible for the proper care of the wagon and appurtenances. The men detailed for wagon duty shall assist the drivers in caring for horses, harnesses, wagons and quarters. No person, except a member of the department, shall be allowed to remain in a stable, wagon house or garage without permission of a superior officer. Motor vehicles shall be kept clean and properly greased and oiled. Chauffeurs shall be held responsible for the proper oiling and greasing of motor vehicles driven by them, and for the proper inflation of the tires of such vehicles. Unless in cases of great emergency, wagon horses shall not be driven at a faster pace than a trot, and automobile patrol wagons and ambulances shall be operated in accordance with the provisions of the statutes, and at a rate of speed not greater than that permitted thereby.

Two men shall be detailed at each division for permanent duty as drivers of patrol wagon. The tour of duty of the day driver shall be from 8A.M to 6 P.M., and of the night driver from 6 P.M. to 8 A.M. The drivers shall alternate in doing night and day duty every week. During their tour of duty drivers shall remain in the wagon house, unless excused by the officer in charge, and a competent substitute provided.

23. A man shall be detailed each day from the house day men to accompany the wagon. The man so detailed will not be required to do any house duty, except to assist the driver in any work about the wagon or wagon house. His tour of duty shall be from 8 A.M. to 6 P.M., and during his tour of duty he shall remain in the wagon house.

A patrolman who is on first half of night duty when

his "morning in" follows shall be detailed for duty with the night wagon and his route that night will be divided. The commanding officer shall select for this duty a different man each night, making his selection in such a manner that each night man shall perform such service equally and at equal intervals. His tour of duty shall be from 6 P.M. to 8 A.M. and from 6 P.M. to 1 A.M. he shall remain in the wagon house; after 1 A.M. he will be allowed to lie down in his own bed in the station, being prepared, however, to answer an alarm. The patrolman attached to the wagon shall be under command of the driver unless an officer of rank is present. Where a commanding officer is in receipt of a request from any patrolman to be assigned to permanent night duty on the wagon and is of the opinion that the efficiency of the service will not be impaired by such assignment, he will so report to the superintendent, and may, if the superintendent permits, assign such patrolmen to such permanent duty. The patrolman on duty on tail end of wagon, whether or not permanently assigned, shall prosecute in court all persons arrested for drunkenness by himself or other officers during his hours of duty. A patrolman assigned to permanent duty as aforesaid shall be allowed one night off in each month in addition to his regular relief of one day off in eight.

24. Every call shall be answered with the utmost promptness, and the driver shall endeavor to reach the box by the shortest route, and as quickly as is consistent with careful driving. Horses shall not be driven at a faster pace than a trot, unless in cases of great emergency, and every precaution shall be taken to avoid accidents. No person shall be allowed to ride on wagons or ambulances excepting members of the police and fire departments, unless by consent of an officer of rank; but when no officer of rank is immediately available, an officer in charge of a wagon or an ambulance may allow, for special reasons, a physician, a clergyman or a friend of the person under care or custody to accompany a sick or an injured person who is not under arrest or a prisoner who is seriously injured.

25. When the wagon arrives at a box, in response to a call, its arrival and the cause of the alarm shall be telephoned to the station. If the wagon leaves the division to take an injured person home or to the hospital, or for any other cause, the driver shall on his return stop at the first box met within his division and report to the station, so that he may be directed to another box in case a call has been received during his absence.

26. The wagon shall respond to all alarms of fire in the division, and to none others, except by order of an officer of rank. When the fire is small the wagon shall remain to take the detail back to the station house, but for no longer time than ten minutes; and while it is waiting one of the wagon crew shall be stationed at the nearest police box to receive any call that may come, to which the wagon shall at once respond. When it is evident on arrival at the fire that the detail will be needed for a longer time than ten minutes, the wagon shall return immediately to the station house.

27. Each officer shall be furnished with a box key and a citizen's key, which shall be inspected at each roll-call. Each officer shall be held responsible for the proper use, care and keeping of the keys, and for the return of the same when required. It will be deemed "neglect of duty" on the part of an officer to lose his keys through carelessness, or to neglect to report such loss immediately to the officer in command at the station house.

28. Machine guns and shot guns are under the direct control of the several commanding officers, who will be held responsible for their condition. The guns should be cleaned and oiled once every fourteen days. Oil will be furnished on requisition by the proper clerk.

RULE 25.— LIEUTENANTS.

1. Lieutenants not on special duty will be assigned to divisions, and shall assist their respective division commanders as directed by them or by the superintendent, and in accordance with the regulations. Their

duty shall be performed by day or by night, and may include patrol or station house service. When a lieutenant is in command of a division, whether on a regular tour of duty or in the continued absence of the division commander, he shall be held to a full responsibility for the conduct of affairs within the division. Except when otherwise ordered by the commissioner or the superintendent, the senior lieutenant of a division shall assume the duties and the authority of the division commander when that officer is absent on leave or because of illness or vacation, or when there is a vacancy in the command.

2. Lieutenants on street duty shall keep a memorandum book which shall be used solely for noting important matters having to do with the department. They shall note therein all such matters arising and those which pertain to the patrolmen of their respective platoons. They shall note all violations they observe of the Rules and Regulations. They shall note all violations they observe of the laws and ordinances, the conditions of licenses granted by this and other departments, and other like matters. When so requested by the commissioner, the superintendent or the commanding officer of his division, or any superior officer designated by them, a lieutenant shall produce that book for inspection. When the book is filled the lieutenant shall keep the same in his possession until called for by the superintendent. Entries made in the book shall be so complete as to be readily understandable by others than the lieutenant making the entry.

Lieutenants and sergeants will use for memorandum book the filler attached to small pocket manual. New fillers can be obtained by the captain on application to the property clerk.

RULE 26.— SERGEANTS.

1. The quality of the work done by a division sergeant is of great importance to the department and to himself. He is in close contact with the public and with the patrolmen in his division and his failure or his success in dealing with the men under him and in seizing

opportunities for effective police work determine largely his chance of promotion not only to the grade of lieutenant but to still higher grades in the force.

2. Sergeants shall have immediate charge of the patrolmen on their routes, shall instruct and assist them in their duties, and shall be responsible for their general appearance, good order and discipline. A sergeant should not be a military martinet, but more especially should he not fall into the error of becoming too familiar with the men whom he commands. He has undertaken distinct duties of importance and his neglect of them is more likely to arouse the contempt than to win the liking of the patrolmen. It is often in the power of a sergeant to correct in the beginning a fault in a patrolman which if allowed to continue and to grow may lead to his disgrace and discharge.

3. The duties of individual sergeants assigned to divisions shall be regulated from time to time by the respective division commanders under the direction of the superintendent; but the following general procedure shall be observed in all divisions except Division 8, and there, also, in so far as it applies to the harbor service.

4. The proper place for all division sergeants when on active duty is in the streets of the division. There they must remain unless called elsewhere for police purposes, going to the station houses only to receive and carry out such orders as may be given to them by the officer in command. Division commanders will be held responsible for the effective employment of all sergeants assigned to their respective divisions.

5. Sergeants shall inspect separately the men of their respective platoons as soon as they are formed preparatory to marching on patrol or other duty, and shall see that they are properly uniformed and equipped, and that they have with them keys to the police signal boxes. They shall also inspect the officers' revolvers in each division once a week and report to the commanding officer as to their condition.

6. They shall leave their several station houses with

their respective platoons on each tour of duty, and thereafter shall constantly and faithfully patrol their respective divisions; visit each route, when practicable, as often as twice in each tour of duty, with frequent changes in the order of visitation; ascertain the presence of each man at his proper place; and aid in the enforcement of every duty.

7. They shall carefully note, and impartially report to the officer in command of the division, the case of every patrolman absent from his route, or guilty of other neglect of discipline or duty; and their failure so to report shall be sufficient cause for suspension, reduction in rank, or discharge from service.

8. Sergeants on street duty at night shall alternate on the first and second tours of night duty and on the first day of each month shall change from one night platoon to the other.

9. Every sergeant shall keep a memorandum book which shall be used solely for noting important matters having to do with the police department. They shall note therein all such matters arising and those which pertain to the patrolmen of their respective platoons. They shall note all violations they observe of the Rules and Regulations, of the laws and ordinances, and of the conditions of licenses granted by this and other departments, and other like matters. When so requested by the police commissioner, the superintendent, or the commanding officer of his division, or any superior officer designated by them, he shall produce that book for inspection. When the book is filled, the sergeant will keep the same in his possession until called for by the superintendent. Entries made in the book shall be so complete as to be readily understandable by others than the sergeant making the inquiry.

RULE 27.— PATROLMEN.

1. Every patrolman shall hold himself in readiness at all times to answer the calls and obey the orders of his superior officers.

2. He shall keep a private record of his work, with day and date, and shall enter therein all matters of importance in all work in which he is engaged in his official capacity, whether at court, on his route, or elsewhere, and also any other matter of importance connected with the police of the city that comes to his knowledge.

3. He shall, each day, at such times as shall be appointed, make report to the officer in charge of the station house of all that he has done, and all important information that has come to his knowledge during the previous twenty-four hours, or since his last report, exhibiting his record book, if requested.

4. Any property which may come into his possession in his official capacity shall be carefully preserved, marked and delivered by him without delay to the officer in charge of the station house.

5. He shall not have in his possession, without the knowledge and consent of the commanding officer of his division, a key to any premises upon or near his route.

6. He shall be present at the daily roll-calls, and attend at the station house at the time appointed; if absent without leave he shall be reported to the superintendent.

7. Immediately after roll-call each patrolman going out on duty shall proceed to his relieving post and relieve the officer whose tour of duty has expired. In case said officer is not at his post, the relieving officer shall report the fact to his station house. Every patrolman, before leaving his relieving post, shall, if the relieving post be a signal box, telephone to the station that he has been relieved.

8. He shall confine his patrol within the limits of his route, except in case of fire, arrest of a prisoner, or other cause of necessary absence, until at the time assigned for the expiration of his tour of duty he is regularly relieved, or unless sooner ordered elsewhere by a superior.

9. A patrolman who is obliged for police purposes to leave his route by going upon another route or by entering a building or other premises on his own route shall,

upon his return, report to the officer in charge of his station the cause and the length of the absence; but this shall not apply to ordinary visits of inspection or investigation made on his own route in the proper performance of his duty.

Should he consider it necessary to leave his route, by entering a building or otherwise, for any purpose other than police work, he shall first ask directly or by telephone the permission of the officer in charge of his station, giving his reason and the probable length of his absence and naming the place to which he intends to go. When permission is given he shall report at once on his return to his route, and should such report be not received within a reasonable time the officer in charge shall ascertain the whereabouts of the absent officer. If conditions are such as to make it impracticable to ask permission in advance, a patrolman may leave his route for such time as shall be necessary, but immediately on his return shall report to the officer in charge the cause and the length of his absence.

In all cases of absence, whether for police or other purposes, the officer in charge shall enter in the journal the time, the cause and the duration of the absence. When an officer is absent from his route in accordance with the provisions of this rule and for a proper purpose, no blame shall attach to him; but for absence contrary thereto no excuse afterwards given will be accepted.

This section shall not affect cases in which a patrolman requires to be relieved because of sickness or injury, as covered by Rule 38.

10. He must constantly patrol his route except for halts necessary to the proper performance of his duty; he must not sit down, lean against walls, posts or trees, or conduct himself in any respect other than as a responsible official exposed to public observation and criticism, and with important work to do.

11. Patrolmen assigned to crossings shall give their whole attention at all times to their duties and avoid needless conversations. Division commanders and the

sergeants shall be held responsible for the observance of these conditions.

12. A patrolman shall furnish such information, and render such aid to all persons, when requested, as may be consistent with his duty.

13. He shall direct strangers and others, when requested, by the nearest and safest way to their places of destination, and, when necessary, cause them to be accompanied thither by one of the police; he shall not leave his route for that purpose, but shall pass such persons from his route to the next. If he hear a call for assistance, he shall proceed to render aid with all despatch, taking every practicable precaution for the protection of his route when he leaves it for this or for any other purpose.

14. When any way becomes blocked by vehicles he shall use his best efforts to aid the drivers in disentangling the same. When the stream of travel is continuous, he shall open the way for foot travelers wishing to cross, attending especially to women, children and aged persons.

15. When a disturbance occurs he shall instantly proceed to the spot, and use his best efforts to restore quiet.

16. He may examine any person whom he shall see walking abroad in the night, whom he shall have reason to suspect of any unlawful design, and may demand of him his business abroad at such a time, and whither he is going. This authority must be exercised with great caution.

He shall also note during the night all vehicles which in any manner excite suspicion.

17. He shall, as far as possible, attend at school buildings on his route before and after the sessions for the purpose of preserving order and protecting the children from injury, especially at railroad and street railway crossings.

18. In so far as he can, without intruding on the privacy of individuals, the patrolman shall note all removals from or into the limits of his route, and acquire such

a knowledge of the inhabitants as shall enable him to recognize them. He shall make himself perfectly acquainted with all parts of his route, and with the streets, thoroughfares, courts and houses within it.

19. He shall strictly watch the conduct of all persons of known bad character, fixing his mind and noting in his private record such impressions as shall enable him to recognize them. He shall note and record their movements and the premises they enter, learn and record their names, residences and occupations, and report to his commanding officer any useful information he may obtain.

20. He shall take particular notice of all places where he suspects intoxicating liquors are sold, and report to the officer commanding his division all such places. He shall note all junk shops, and shops of second-hand dealers and pawn-brokers, all places of amusement, and all licensed persons and places within his route, and also all suspected gambling houses, dancing or prize-fighting places, mock auction rooms, places for the sale of lottery tickets and houses of ill-fame, keep a list thereof in his book for reference, and report the same to the officer commanding his division.

21. He shall note all street lamps out of repair, not lighted at proper times, or extinguished too early or too late; all buildings erected, or in process of erection, contrary to law, or any building defectively built, or which has become unsafe, or in which any noisome, dangerous or unwholesome trade is carried on; all nuisances and other matters affecting the safety and convenience of the public, or the interests of the city; and shall make report thereof without delay to his commanding officer.

22. He shall examine in the night time all doors, gates and windows of dwellings and stores to see that they are properly secured, and, if not, give notice to the inmates, if any. When the buildings are unoccupied he shall first make fast all doors and windows found open, and then notify the station house as soon as possible, and not later than his next duty pull. He shall take

special notice of all vacant dwelling houses, to prevent depredations; be vigilant to prevent fire or waste of water; see that fire escapes are not obstructed; call the attention of abutters to the state of the sidewalks and roofs, where, by snow, ice or other cause, they are rendered dangerous, or when obstructed by fuel, boxes or other articles, or with goods; take note of all ashes, garbage, dead animals or other offensive matter thrown into the street, or when the street is used for washing carriages or horses, or improperly obstructed thereby. When the laws and ordinances, orders, rules and regulations for the government of such cases, upon notice given, are not forthwith obeyed, he shall ascertain the names of the parties offending, and report the same for complaint and prosecution.

23. He shall see that the sidewalks are not obstructed by persons loitering thereon to the inconvenience of other passengers.

24. He shall send persons of the age of discretion and penniless, without homes, to the Charity Building, Chardon street, or, if men, to the Wayfarers' Lodge, Hawkins street. He shall take note of all cases of contagious disease, or sudden death. He shall watch male and female night walkers, and persons who improperly accost persons of the opposite sex upon the streets; and shall do all in his power to protect females from insult or annoyance.

25. During their tour of duty, patrolmen shall report by telephone any information of importance, and commanding officers shall require their patrolmen to report at least once every forty minutes by signal from different boxes, and as often by telephone as may be deemed advisable. Patrolmen must signal from all boxes on each route within the first hour of duty. If for any reason a patrolman cannot with due regard for his duty signal from a box as above required, he shall report the fact and the reasons therefor to the superior officer in charge of his station at the end of his tour of duty.

26. Patrolmen shall be held accountable for any in-

jury to signal-boxes on their routes during their tour of duty, and shall report any accidents to boxes, wires or posts.

27. When an officer discovers that a murder, burglary, highway robbery, or other serious offence has been committed, and the perpetrator has escaped, he shall at once telephone full particulars from the nearest signal-box. The officer in charge of the station shall at once inform headquarters, and shall also notify his men when they signal for orders. The officer in command at headquarters shall inform all divisions, and officers in charge of divisions shall notify their men as they signal for orders. Particular attention shall be given to watching streets and railroads leading from the city proper, and, if necessary, officers shall be specially detailed to cover any points which a criminal might be likely to pass in trying to escape.

RULE 28.— RECORDS, BLANKS, ETC.

1. All books, records and printed forms used in the police department shall be approved by the chief clerk, who may direct the style and form to be used, and with the approval of the commissioner may, from time to time, make such changes as the exigencies of the service may require.

2. The Christian and surname shall be plainly written in full, and the rank affixed, in all records, reports and communications by members of the force, clerks and employees. Middle names shall be represented by initial letters.

3. All communications, reports, petitions and applications shall be made upon the blank form provided for the purpose, or, in case of reports or communications on special subjects for which no forms are provided, upon paper of letter size, folded twice crosswise. All official papers shall be indorsed and forwarded by the officers through whose hands they pass, and the indorsement on papers containing requests or recommendations shall give the opinion of such officers thereon. All offi-

cial communications to the commissioner shall be forwarded promptly through the superintendent.

4. All communications and other papers received in any branch of the department shall be carefully preserved, filed and indexed. When communications are replied to, the page of letter books on which the reply is copied shall be noted on said communications. Letter-press copies shall be taken of all letters and telegrams sent from headquarters on official business. Copies of all communications shall be retained in the office from which they are sent.

5. No erasures shall be made in any books, reports or documents connected with the duties of the police department. If any error be discovered, it shall be corrected by drawing the pen neatly across the entry and substituting the correction above it in red ink.

6. The following books and records shall be kept in the places and by the persons designated:

A. In the office of the commissioner:

1. Record of the daily proceedings of the commissioner.

2. Alphabetical roster of the police force.

3. Record of complaints against members of the force, and judgments of the board thereon.

4. Order book, containing copies of all orders issued to the force.

5. Copy book, containing copies of all communications sent from the office.

6. Record of all licenses issued by the commissioner.

7. Record of hearings.

8. Account books of all expenses of police department.

9. Cash book.

10. Receipt book for cash paid to City Collector.

11. Lost time book.

12. Oath book.

13. Horse register.

14. Record of persons retired on pensions.

15. Record of applications for appointment as special

police officers, private detectives, and railroad and steamboat police officers.

16. Record of licensed hackney carriages.

17. Record of licensed wagons.

18. Record of licensed street railway drivers, motormen, conductors and starters.

B. In the superintendent's office:

1. Record of arrests, alphabetically arranged.

2. Record of murders, suicides and accidents.

3. Record of missing persons.

4. Order book.

5. Letter book, for copying letters and telegrams.

C. By the property clerk:

1. Cloth record.

2. Record of stolen, lost or found property.

3. Receipt book for property received and delivered to owners.

4. Stock book.

5. Record of missing persons.

6. Revolver receipt book.

7. Lost and stolen watches record.

8. Condemned property record.

9. Lost and stolen bicycles record.

10. Order book.

11. Manifold book and index.

D. In the bureau of criminal investigation:

1. Arrest record.

2. Morning report record.

3. Classification of crime record.

4. Age and sex record.

5. Case assignment record.

6. Index to case assignment record.

7. Time book.

8. Warrant record.

9. Receipt book (stolen and recovered property).

10. Detail book.

11. House of Correction record of inmates.
12. State Prison record of inmates.
13. Photograph negative number record.
14. Bertillon file.
15. Fingerprint file.
16. Time in court record.
17. Lost, stolen or abandoned property record.
18. Telephone book.
19. City property book.
20. Index of licensed pawnbrokers.
21. Index of licensed second-hand dealers.
22. Index of watches pawned.
23. Classified index of lost or stolen articles.
24. Index of persons wanted, fugitives from justice, etc.
25. Manifold file.
26. Order book.
27. Requisition book.
28. General card index containing reference to:
    - a. Arrests.
    - b. Photographs and negatives.
    - c. Fingerprints.
    - d. Case assignments.
    - e. Reports.
    - f. Stolen motor vehicles.
    - g. Deaths by violence.
    - h. Inquests.
    - i. Correspondence and telegrams.
    - j. Press clippings and histories of criminals.

E. At station houses:

1. Arrest blotter.
2. Arrest ledger.
3. Age and sex book.
4. Ambulance service.
5. Boundaries of routes.
6. Carriage hire.
7. Classification of crimes.
8. Complex index.
9. Court fees and days, and property recovered.

10. Detail book.
11. Diary.
12. Directory of officers attached to division.
13. Directory of officers residing on division and attached to other divisions.
14. Dog license books.
15. Expense book.
16. Files for signal sheets, manifold sheets, general orders, special orders, descriptive lists and citizens' letters.
17. Food for prisoners.
18. Gas book.
19. Horse register (where needed).
20. Horseshoeing book.
21. Journal.
22. Laundry.
23. Letterpress.
24. Licensed liquor places, innholders and victuallers.
25. Miscellaneous licenses.
26. Miscellaneous license account.
27. Morning report book.
28. Paid detail book.
29. Permits to occupy.
30. Physicians' services.
31. Pistol receipts.
32. Receipt book.
33. Requisitions — two books.
34. Signal service.
35. Street defects.
36. Street openings.
37. Time book.
38. Unclaimed property.
39. Vacant houses.
40. Wagon licenses.
41. Warrant book.

In addition to as many of the foregoing station house books as are necessary for the harbor police they shall also keep the following:

42. Arrival of foreign vessels.
43. Vessels ordered from channel.

44. Boats lost, stolen, etc.
45. Log book.

F. In the City Prison:
1. Alphabetical commitment record.
2. Receipt book.
3. Message book.
4. Expense book.

G. In the House of Detention:
1. Commitment record.
2. Alphabetical commitment book.
3. Receipt book.
4. Expense book.

H. In the office of the inspector of carriages:
1. Journal.
2. Numerical carriage, owner, location and driver book.
3. Numerical and alphabetical drivers' book.
4. Numerical and alphabetical drivers' card cabinet.
5. Numerical and alphabetical carriage owners' card cabinet.
6. Sightseeing automobile book, car licenses, chauffeurs' licenses, permits to stand.
7. Lost property record book.
8. Lost property receipt book.
9. License money receipt book.
10. Complaint and court book.
11. Carriage inspection book.
12. Letter file.
13. General order file.
14. Superintendent's order file.
15. Manifold file.

I. By the director of signal service:
1. Time book.
2. Journal.

3. Order book.
4. Construction and maintenance record.
5. Trouble book.
6. Classified trouble book.

RULE 29.— OFFICIAL LETTERS.

1. No letters, circulars or other papers shall be received for distribution by the police, except those on business directly connected with the police department, and such official letters, notices and other documents to or for the city council and its committees as can be inclosed in envelopes of the ordinary letter size.

In so far as practicable, the distribution of such matter shall be made by the day officers; and all letters, etc., should be delivered at the superintendent's office by eleven o'clock A.M. Matter delivered at the office between that time and four P.M. shall be delivered by the day officers on the following morning, unless the envelopes are marked "Deliver to-night." It should be understood by the officers that this service must not be allowed to interfere with the proper performance of police duty.

2. Departments of the city government which desire to obtain information in the possession of the police, or to make use of the police for the purpose of obtaining information needed in the discharge of their official duties, should make application, in writing, to the commissioner or the superintendent.

RULE 30.— BONDS.

1. Bonds, with sufficient sureties, shall be required of the following officers, who are intrusted with the collection or custody of public money or of public property in the police department; namely, the chief clerk in the penal sum of five thousand dollars; division commanders and the property clerk, in the penal sum of two thousand dollars each. The bond shall be conditional on the

faithful performance of the duties of their respective offices, that they shall truly account for and pay over to the officers or persons entitled to the same all money and property which shall come into their possession in the discharge of their official duties, as provided by the rules and regulations of the police department.

2. The form and conditions of the bond shall be such as the commissioner shall have approved. The sureties on each bond shall be jointly and severally liable for the whole penalty of the bond, and shall be approved by the commissioner.

RULE 31.—STATION HOUSES.

1. Station houses shall be used exclusively for police business, and for no other purpose except by direction of the commissioner or the superintendent. A station house shall not be left in charge of an officer who is unable to use the telephone and attend to the signal apparatus.

2. Civility and attention shall be shown to every person visiting a station house on proper business. Persons without such business and those whose business has been finished shall not be allowed to remain, the officer in charge at the time to be the judge and to be responsible. No person except officers of rank or persons authorized by them shall be allowed to enter behind the desk. No person shall be allowed in a station house to sell goods or to offer them for sale, or to canvass or solicit for any purpose without written permission from the commissioner or the superintendent.

3. The strictest economy, consistent with a due regard for the comfort of the men and the proper transaction of business, shall be observed in the use of fuel, gas and electricity, and care shall be taken that the property of the city is not wasted, injured or destroyed. Telephone tolls for messages sent outside of the district provided for by measured service contract, when not on police business, shall be paid for by the person sending the message.

4. Sleeping apartments shall be inspected daily; the beds and bedding shall be kept clean and neat, and any disorderly, irregular, negligent or uncleanly habits on the part of any member of the force shall be prevented or punished.

5. No article of furniture, picture, print, statue or advertisement shall be put into any station house unless supplied by the department, or authorized by the commissioner or the superintendent.

6. No intoxicating liquors other than those held after search or as evidence, shall be introduced on any pretext into a station house, except when ordered by a physician. Smoking shall not be allowed in the cellroom, nor in any other part of the station house, except such as may be designated by the division commander.

7. No game of chance for stakes or wagers shall be played in any station house, and the use of playing cards is strictly prohibited. Chess, dominoes and draughts may be played in the smoking room, or such other part of the station house as may be designated by the division commander.

8. Cells shall be kept clean and well ventilated. Doors of cells in which prisoners are confined shall be carefully locked and bolted, and the keys kept in the office. No person shall be allowed to visit the cells, without permission of the officer in charge, unless on a written order from the commissioner, the superintendent, a deputy superintendent, or the chief inspector.

9. Sufficient and proper accommodation for police matrons and for women detained or held under arrest shall be provided in connection with stations 7, 9, 10, 11, 13, 14, 17 and 18.

10. The following sanitary regulations prescribed by the State Department of Public Health, under authority of G. L., c. 111, s. 21, for police stations, lock-ups and houses of detention in the Commonwealth, shall be observed:

a. The provision of the common drinking cup is unlawful in accordance with the provisions of sec. 8, chapter 111 of the General Laws. A drinking cup after use by

one person should be washed clean before being used by another.

b. All dishes and utensils used for food should be thoroughly cleansed and washed in boiling water after use.

c. Every woman prisoner should be furnished with a mattress. The mattress should have a smooth surface and be covered with rubber or other waterproof material. This should be encased in a slip of washable material or covered with a sheet. These slips or sheets should be changed for each occupant and washed. Both mattresses and coverings should be removed from the cells during the day and thoroughly aired.

d. All cells should be adequately ventilated; cells ventilated by means of openings into ventilating flues must have some means, mechanical or other, for creating a circulation of air.

RULE 32.— HARBOR POLICE.

1. The officer regularly assigned to the command of Division 8 shall also hold the office of harbor master when appointed thereto by the commissioner. He shall have the care and management of the police officers and employees, the boats and their equipment assigned to the division, subject, however, in the performance of his police duties to the control and direction of the superintendent. He shall at all times, when practicable, be ready, and his force shall be ready, to respond to any call of duty that may be made. He shall be held responsible for the general good order and cleanliness of the boats and all belonging thereto, and he shall, every twenty-four hours, and oftener if necessary, make such reports of his doings, and of the condition of the boats and his command, as the superintendent may direct.

2. He shall enforce the laws of the commonwealth, and co-operate with the United States marshal and the officers of the customs service in enforcing the laws of the United States.

3. He shall cause all vessels from foreign ports to be boarded on their arrival and supplied with copies of the "Harbor Regulations," boats being meanwhile kept away, and no person being allowed, without proper authority, to board such vessel until it has been made fast.

4. Assistant harbor masters will be appointed by the commissioner from among the police officers assigned to Division 8.

5. The police steamboats shall have a sign on pilot house with the words "Harbor Master and Police" thereon.

6. When a fire occurs on the waterfront of the harbor, the police steamers shall give aid in removing endangered vessels, and at all times and in all proper ways shall assist in saving life and property.

7. During the day the police steamers shall patrol the upper harbor, visiting the wharves, islands and shipping, as duty may require, one of the police steamers to patrol the lower harbor at least once each day, when practicable; and during the night an adequate patrol shall be maintained.

8. When the police boats are at their dock they shall be kept in such condition as to enable them to be brought into immediate use, if required. No person shall be admitted on board the boats except on business, and no person shall be allowed to make use of the boats for any purpose not directly connected with the business of the police department or the harbor master, unless with the permission of the commissioner.

RULE 33.— DRILL, INSPECTION OF UNIFORMS.

1. A superior officer will be detailed by the commissioner as drillmaster and inspector of uniforms. He shall be attached to the superintendent's office, shall be there provided with proper accommodations and, when not engaged in the specific duties of his detail, shall perform such other police work as the superintendent may assign to him.

2. He shall drill and instruct newly appointed officers in such manner and at such times and places as the commissioner or the superintendent shall direct; and he shall conduct department drills in accordance with general and special orders.

3. He shall inspect uniform garments in accordance

with the provisions of the rule as to uniforms, and shall be held to a large responsibility for the appearance of the members of the force when on duty. While performing his duties at drill or in the inspection of uniforms, he shall be regarded as the direct representative of the superintendent, and officers of all grades shall at such times and for those purposes follow all directions which he may give.

RULE 34.— UNIFORMS, EQUIPMENTS.

1. The property clerk shall, upon proper requisitions, supply the members of the force with uniforms, with helmets, caps, buttons, wreaths, numbers, belts, clubs and other equipments,— all of which shall remain the property of the police department. When demand shall be made on him by his commanding officer, each member shall return any part of the uniform or equipment, property of the department, which has been issued to him, in as good condition as when issued, reasonable wear and depreciation from use excepted.

2. Uniforms and parts of uniforms shall be made and worn strictly in accordance with such regulations as the commissioner may issue. The word "uniform" shall include such articles as may be designated by the commissioner for the service the officer is for the time rendering.

3. When an officer's uniform is worn out by reasonable use, or has been damaged or destroyed in the line of his duty and not by reason of his own negligence, he will be given another uniform, or such part thereof as has been worn out or destroyed. When his uniform has been damaged in the performance of his duty and can be repaired, it will be repaired without expense to the officer.

If an officer's uniform is damaged or destroyed by his own negligence or from being worn when he was not on duty or going to and from duty, he will be obliged to replace the same at his own expense. If an officer fails to take reasonable care of his uniform and equipment, it will be held to be a violation of the rules and regulations of the department.

4. The drill master and inspector of uniforms, or such other officer as the superintendent may direct, shall frequently examine the condition of uniforms worn on duty and condemn any that may be unfit for service.

5. The police uniform shall be worn by all members of the force (excepting inspectors and officers detailed for special duties in plain clothes) when on duty before the public and when at court or going to and from duty, and not otherwise.

The inspectors shall wear uniforms when detailed to office duty. Members of the force may wear rubber coats or capes, cap covers of an approved pattern and rubber boots when needed.

RULE 35.— RESIDENCE, HOURS OF DUTY, ABSENCE.

1. All members of the force shall live in the city of Boston. Members of the force shall report their places of residence to the officers commanding their respective divisions or units, with such particularity as to enable the residence to be easily found, and shall also report any change of residence within twenty-four hours after such change shall occur. The residences and changes of residences shall be reported to the superintendent.

2. Members of the force shall not leave the city for personal reasons without the permission of the commissioner or of the superintendent, excepting in the regular annual vacation and as may be otherwise provided in these rules; but this prohibition shall not be held to forbid passage through other municipalities when such passage is on the most direct available route from one part of the city to another, and commanding officers may grant permission to members of the force, on their days of relief, to leave the city for personal reasons for a period not exceeding twenty-four hours at any one time. When absent from the city or about to be absent on police business, or for more than twelve hours for personal reasons, members shall give such information as to their whereabouts as shall enable commanding officers to communicate with them without unnecessary delay.

3. Members of the force are forbidden to follow any private calling; to engage in any private business; to acquire or retain a financial interest in any occupation licensed by the Licensing Board or the Police Commissioner. The hours of regular service shall be from time to time specified by commanding officers, under the direction of the superintendent, but, when occasion requires, officers are liable to be called into service at any time; and the same responsibility as to the detection and prevention of crime and the preservation of order rests upon them when not in uniform, or off duty, as when on duty in uniform. They may be required, under orders of their superiors, to go outside the city to arrest criminals or for other specific duties. No compensation beyond their pay shall be allowed therefor except upon such bills of expense as are approved by the commissioner; and they must report to their commanding officers all fees earned by them as witnesses in court.

4. Members of the force shall not be detailed to the service of any other city or town except by the commissioner, when in his opinion their absence would be justified by the existence of normal conditions in Boston, by the character of an emergency confronting such city or town, or as a means of returning or providing for similar assistance received or expected by this department.

Members of the force shall not be detailed to accompany excursion parties outside the city; but an exception may be made when such party is under official state or city direction.

RULE 36.— CONDUCT, DEPORTMENT AND GENERAL PROVISIONS.

1. The police must be quiet, civil, orderly and moral in their conduct, character and habits. In the performance of their duty, they must be attentive and zealous, control their tempers and exercise the utmost patience and discretion. They must at all times refrain from harsh, violent, coarse, obscene, and profane language; when asked a question they shall answer not in a short and care-

less manner but with all possible attention and courtesy, at the same time avoiding as much as possible entering into unnecessary conversation. They shall when in uniform keep their numbers in sight, and in a respectful manner, give their names and numbers to all persons who inquire.

2. In arresting a person no more force shall be used than is absolutely necessary for the safe custody of the prisoner, or for overcoming any resistance that may be offered.

3. After they have been searched, prisoners shall be placed in the cells, no more force being used than is necessary to overcome resistance. Officers are strictly forbidden to bandy words with prisoners, or to speak to them unnecessarily.

4. Officers shall not engage in any religious or political discussions in the station houses. They shall not engage in such discussions at any other places while on duty nor when off duty, if in uniform.

They shall take no part in politics for or against any candidate or party at any time or place, whether in uniform or not, except to deposit such ballot as they prefer at the primaries and elections. They shall not solicit or make any contribution in money, or otherwise, for political purposes, nor be present at any rally, convention or other political gathering, except as police officers there detailed for duty. On the days when the primaries and elections are held it shall be the duty of every police officer, whether specially detailed to attend the polling places or not, to preserve the peace, repress disorder, enforce the equal rights of all legal voters and prevent illegal voting, or intimidation or obstruction of voters.

5. They must be particularly careful not to interfere idly or unnecessarily. When required to act they shall do so with energy and decision; and in the proper exercise of their authority they will receive the fullest support.

6. They must readily and punctually obey the orders and instructions of their superiors. If such orders appear to them either unlawful or improper, they may appeal to

the commissioner, but any refusal to obey the orders of their superiors, or negligence in so doing, will expose them to punishment.

7. Coolness and firmness will be expected in all cases of every officer; and in time of peril the police must be careful to act together, and to protect each other in the restoration of peace. Whoever shrinks from danger or responsibility when his duty requires him to meet it will be deemed unworthy of a place in the service.

8. They must, on all occasions, be civil and respectful, courteous and considerate, toward their superiors and each other, guarding themselves against envy, jealousy or other unfriendly feeling, and refrain from all communications to the discredit of their associates, except to their superior officers, whom it is their duty to inform of any neglect or disobedience of orders that may come to their knowledge. They shall not engage in an altercation, either physical or otherwise, with any other officer, whether on duty or not, or whether in uniform or not. They shall conform to the rules of the department, observe the laws and the ordinances of the city, and perform their duty with zeal, courage, discretion and fidelity.

9. When passing or addressing any superior officer they shall salute in the manner prescribed by the infantry drill regulations of the United States army.

It is the duty of the subordinate to offer first the prescribed salute, and of the superior to return it.

Men in ranks will not salute unless ordered so to do by the officer in command.

Mounted men, upon the appearance of a superior officer, will not salute, but will assume the position of "attention."

The police shall not salute when in citizens' dress whether on duty or not. Upon entering the office of the commissioner or of the superintendent they will uncover and stand at attention until otherwise ordered.

The police when proceeding in a body to perform any duty, or when returning, shall march in military order.

When the flag of the United States or of the Common-

wealth is carried in parade or procession past a member of the force in uniform in a street or other public place, and at the moment of such passage, he shall stand at "attention" and salute, in the manner in which he would salute a superior officer, unless his urgent duties at the time make such action inadvisable.

10. During their hours of active duty, including time allowed for lunches or meals, and whether in uniform or not, the police shall not drink or personally use any intoxicating liquor or narcotic drug, nor have in their possession such liquor or drug, unless by permission of the commissioner or the superintendent or for use as evidence in criminal cases.

The police shall not, except in the immediate performance of their duty, enter any place where intoxicating liquors are sold or furnished, nor any place where it is suspected that intoxicating liquors are sold or furnished.

11. The police are required to speak the truth at all times and under all circumstances, whether under oath or otherwise. Any who willfully depart from the truth are unfit for the service, and on conviction will be dismissed. In cases in which they are not allowed by the rules of the service to divulge facts within their knowledge they will decline to speak on the subject.

12. The police shall not endeavor to obtain admission improperly for themselves or others to theatres or other places of public amusement; nor shall they, or any person connected with the department, ask for a free pass to any place of amusement, or upon railroads or steamboats, except through the superintendent, and then only if required for police business.

13. They shall not communicate to any person any information which may enable persons to escape from arrest or punishment, or that may enable them to dispose of or secrete any goods, or other valuable things, stolen, or otherwise unlawfully obtained.

They shall not communicate any information respecting any general or special orders they may have received, except with the permission of their superior officers.

14. No written communication with reference to police business shall be made by any police officer to any other person, or any other police department, except by authority of a superior officer.

15. They shall not, directly or indirectly, be concerned in making any compromise or arrangement between thieves or other criminals and persons who have suffered by their acts, with a view to permitting the criminals to escape the penalties provided by law; and any officer who has any part in such compromises or arrangements, or has any knowledge thereof and fails to give information to his superior officer or the district attorney or a justice of one of the courts, shall be subject on conviction to immediate dismissal.

16. No police officer shall apply for a warrant for an assault upon himself without first reporting the case, through his commanding officer, to the superintendent, and obtaining from him permission to make such application.

He shall not compound any offence committed against his person or property, or withdraw any complaint, without the consent of the superintendent.

17. Every member of the force must at all times be neat in person, his uniform must be in a clean and presentable condition, the buttons, badge and metal trimmings kept bright, and his boots clean. When, on account of the weather, or causes arising from discharge of duty, his dress becomes soiled or disarranged, it shall be put in proper order as soon as circumstances permit.

18. Every officer on duty shall carry a copy of the pocket manual. An umbrella or a cane shall not be carried by any officer when in uniform.

19. Every member of the force and every male employee shall pay his poll tax not later than May 1 in the year immediately following that in which it was assessed.

20. Members of the force when in uniform, whether on duty or not, are forbidden to ride in automobiles other than those owned by the department except when the transaction of specific police business requires such riding.

21. A member of the force in uniform and in a public place who holds a toothpick in his mouth or chews any substance in such manner as to be noticeable shall be subject to complaint and punishment for conduct unbecoming an officer.

22. When a member of the force has occasion to call the attention of a citizen to the fact that he is violating a law, an ordinance or a regulation, which presumably is not known to all persons, he should not do so by means of a question, such as "Don't you know that that is against the law?" or "Can't you read that sign?" He should inform the citizen, civilly, that his act is unlawful, and if practicable, should explain the reason; this without regard to whether prosecution is to follow or not. A question of this character is the most offensive means of opening such a conversation.

23. No member of the force shall join or belong to any organization, club or body composed of present or present and past members of the force which is affiliated with or a part of any organization, club or body outside the department, except that a Post of the Grand Army of the Republic, the United Spanish War Veterans and the American Legion or World's War Veterans may be formed within the department.

24. Except when necessary for the protection of life or property, or for the enforcement of law, or the rules and regulations of the department or of some other public body, no automobile or motorcycle of the department or in use in the performance of official duty shall be operated or driven by a member of the force at a rate of speed greater than that allowed by law, or the ordinances of the city of Boston, or the rules and regulations of any board or department of said city having the right to regulate the rate of speed of such vehicles upon the way upon which at the time such automobile or motorcycle is being operated.

25. As, by virtue of his office, an officer can act officially in criminal matters only, he shall not render assistance in any civil case whatever, except to prevent a

breach of the peace, or to suppress a disturbance actually commenced; nor shall he serve any warrant of search without permission of his superior officer. When an ejectment is made for nonpayment of rent, or any other cause, or when disputes arise between parties upon civil matters, he shall not give assistance to either, or interfere between them, unless it be necessary to prevent a breach of the peace or to quell a disturbance. His duty on such occasions is merely to take persons breaking the peace into custody.

26. Police divisions, routes and posts are established in order that police work may be the better and the more systematically performed. But it must be remembered that a policeman is a policeman for the whole city of Boston, not merely for a particular place; and though it is assumed that he is not to interfere with routine work in places to which he is not assigned, it is expected and insisted upon that violations of law committed in his sight, especially such as involve injury or the risk of injury to person or property, shall receive proper attention from him when the officer particularly responsible is not present. This applies especially, but not exclusively, to streets which are boundaries of routes or of divisions, and to all members of the force.

27. When an officer is on his route he must not walk or talk with other officers or with any other person except on police business, and then only for such time as the business requires. He must especially avoid giving cause for gossip or scandal by conversing with women in the streets when he is in uniform, whether on duty or not.

RULE 37.—PAY AND ALLOWANCES.

1. The salary and pay of the police shall be paid to each person entitled thereto, in accordance with prescribed rules and regulations, subject, however, to deductions for absence or suspension from duty.

2. No pay for such absences shall be allowed except as expressly provided in these rules.

3. Full pay will be allowed during the regular annual

vacation, except that where a police officer has been absent from duty for any cause other than that for which full pay is allowed for a substantial length of time during the six months prior thereto, he shall not be allowed a regular annual vacation or full pay therefor without a special order of the commissioner.

4. When an officer is absent from duty on account of sickness, injury or disability which his commanding officer certifies was incurred in the performance of duty involving risks, exertion or exposure not ordinarily attendant upon the performance of routine duty, and the existence of such sickness, injury or disability is certified to by a physician or surgeon approved by the commissioner, full pay for lost time may be allowed by the commissioner. When an officer is absent on account of sickness, injury or disability not so incurred, half pay for lost time, not exceeding thirty days in all in any one calendar year, will be allowed him if such sickness, injury or disability is certified to by his commanding officer, provided, however, that no pay for absence for more than two consecutive days shall be allowed unless the officer notifies his commanding officer that his condition is such as will require a longer absence, and requests to be examined by a physician, in which case the commanding officer shall cause the officer to be examined by a physician approved by the commissioner, and a report in writing by the physician shall be forwarded with the certificate of the commanding officer to the commissioner. When patrolmen or superior officers of the department are injured in the performance of their duty to the extent that medical or surgical treatment is necessary, they shall go or be taken to such hospitals as are approved or designated by the commissioner. Officers preferring to be treated elsewhere than at such hospitals, or by other physicians or surgeons than those approved or designated by the commissioner, may be so treated, but at their own expense. The commissioner will approve no hospital or doctor's bills except those rendered by hospitals approved or designated by him, or except in specific instances where

immediate medical or surgical attendance were imperative or where, by special order of the commissioner, other medical or surgical attendance has been allowed.

5. If the commanding officer is in doubt in any case as to the nature or duration of sickness, injury or disability, or the length of absence which should be allowed therefor, or for any other reason, he may, with the approval of the commissioner, have the officer examined by a physician or surgeon. In no case shall an officer claiming incapacity on account of sickness, injury or disability be ordered back to duty without his consent in writing unless a physician or surgeon approved by the commissioner certifies that such officer is fit for duty.

6. No pay will be allowed under sections 4 or 5 of this rule if the sickness or injury is feigned, simulated, exaggerated, or arises from carelessness, improper or vicious conduct, excessive indulgence of appetite or other bad habits; or from improper, illegal or immoral practices; or if the sick or injured person shall fraudulently, by concealment, false statement, or otherwise, seek to deceive or mislead the attending physician or surgeon in relation to his case; or if the member shall not remain at his residence, unless permitted by the commissioner to go elsewhere; or if he refuses or neglects to conform to the instructions of the attending physician or surgeon.

7. Pay for not exceeding three days may be allowed at the discretion of the commissioner during absence from duty to attend funerals, provided the relationship between the decedent and the applicant is that of a father, mother, wife, child, brother or sister. Pay for not exceeding one day may be allowed in the discretion of the commissioner when the relation between the decedent and the applicant is wife's father or mother or wife's brother or sister. Applicants shall state explicitly the relationship existing between the decedent and the applicant, where the funeral is to take place, and the time and place of interment.

8. Officers detailed to perform duty in other cities or towns, who have been paid for their services and expenses

by such city or town, will not be paid by this department for the time they are absent.

9. No police officer or employee shall sell or assign his pay, or give power of attorney for the collection thereof, except by permission of the commissioner.

10. Time rolls shall be made up and forwarded to the chief clerk as follows:

For headquarters and City Prison, weekly, by the superintendent, except that the pay roll for clerks shall be made by the chief clerk.

For employees in the signal service, weekly, by the director of signal service.

For matrons and employees in the house of detention, weekly, by the chief matron.

For officers and employees in the several divisions, weekly, by the commanding officers of such divisions.

Weekly time rolls shall be forwarded on Tuesday of each week, and shall be made up to include the following Thursday; monthly time rolls shall be forwarded on the fifteenth of each month, and shall be made up to include the last day of the month.

Time rolls shall state the number of days each officer or employee has been absent from sickness or other cause, and be accompanied by physicians' certificates and petitions for pay. Every petition for pay must be accompanied by a statement of the facts in the case.

11. When an officer is transferred from one division to another, the officer commanding the division from which he is transferred shall give him a certificate showing the amount of time he had lost from sickness or other cause, and how much, if any, pay he had forfeited during the current week. The officer commanding the division to which he is transferred shall note on the detail book the time at which he reports for duty, and shall place his name on the time roll for the current week as though he had been a member of the division during the whole week.

12. When a member of the force loses a badge, a revolver or any other property of the department pre-

viously entrusted to him for his individual use the deficiency shall be supplied by the property clerk on requisition, and the cost of the article shall be charged to the account of the member. On subsequent petition approved by his commanding officer and the superintendent, the member may be reimbursed whenever it shall appear to the commissioner that the loss was suffered in the actual discharge of duty, without negligence on the part of the loser; and injuries and repairs to similar property in excess of those involved in ordinary use will be treated in like manner. When an officer's uniform or part thereof is damaged or destroyed by his own negligence or from being worn when he was not on duty or going to and from duty, he shall be supplied by the property clerk, on requisition, with a new uniform or part thereof, and the cost of the same shall be certified to the chief clerk by the property clerk and be charged to the account of the officer.

RULE 38.— ABSENCE FROM DUTY.

1. No police officer shall be absent from duty except in case of sickness, injury, or disability, or during the annual vacation and the legal day of relief under the rules and orders of the department, without the consent of the commissioner or the superintendent.

2. The annual vacation shall be taken in accordance with the terms of general orders issued from time to time by the commissioner.

3. All applications for leave of absence shall be made to the commissioner through the superintendent, and shall set forth the purpose for which such leave is desired. In emergencies the superintendent is authorized to grant leave of absence for a period not exceeding three days, and he shall report such leave forthwith to the commissioner.

4. When a police officer is injured or sick, so that he is unfit for duty, he shall immediately report to his commanding officer. Should he be unable, on account of such disability, to report in person, he shall send word

to the station house as soon as possible, and the commanding officer shall immediately investigate the case. When an officer is absent from duty for a longer period than forty-eight hours on account of sickness, injury or disability, his commanding officer shall investigate and report the facts to the commissioner, and reports shall be made weekly during the continuance of such disability. When an officer becomes sick during his tour of patrol duty he shall at once report to his station house, or to his sergeant. If a commanding officer is in doubt in any case as to the nature or duration of the sickness, injury or disability of any officer, or the length of absence which should be allowed therefor, or for any other reason, he may with the approval of the commissioner, have the officer examined by a physician or surgeon. In no case shall an officer claiming incapacity on account of sickness, injury or other disability be ordered back to duty without his consent in writing unless a physician or surgeon approved by the commissioner certifies that such officer is fit for duty.

RULE 39.— REWARDS, GIFTS.

1. No police officer shall accept a present from men of a lower grade or contribute or solicit another police officer to contribute to a present or reward intended for a member of the force, unless specifically authorized by the commissioner. Any such present or contribution made to a member of the family of a police officer, either directly or indirectly, unless so authorized, shall be deemed a violation of this rule. No police officer shall allow the use of his name at any fair, festival or exhibition, for the purpose of selling tickets, setting up or promoting a raffle or gift enterprise, or having a present voted to him.

2. Police officers shall not collect money, or receive anything else from citizens or others for the purpose of making presents to or bestowing testimonials upon other members of the force; nor shall they circulate subscription papers, sell tickets, or collect money from citizens, for charitable or other purposes, unless authorized thereto by the commissioner.

3. Police officers shall not, directly or indirectly, accept from any person, liable either to arrest or to complaint, or in custody, or after he has been discharged, or from any of his friends, any gratuity, reward or gift whatsoever; nor from any person money or other compensation for services rendered; nor for damages sustained while on duty except in accordance with a judgment of court; nor shall any officer receive any compensation for services rendered, or reimbursement for expenses incurred by him in connection with his official services, without the approval of the commissioner, nor until he shall have furnished a report in writing of the nature and extent of the services so rendered, and a detailed account of the expenses so incurred.

4. The commissioner, in his discretion, will permit police officers, for services rendered by them in the discharge of their duty which are especially meritorious, or otherwise in the public interest, to receive rewards or presents tendered them for such services. In each and every case application must be made to the commissioner, in writing, for permission to give or to receive any reward or present, and it will be granted, or not, as he may deem advisable.

5. Police officers of all grades shall be especially guarded as to private social or business relations with persons holding or seeking to hold licenses issued by the police commissioner or by the licensing board, or with other persons so situated as to residence, place of business or kind of business that private transactions might interfere with the proper discharge of police duty. Police officers are forbidden to borrow money directly or indirectly from any of the licensees above described, or to seek or accept their indorsements on notes. This rule shall not be so construed, however, as to apply to open business transactions, such as the purchase or sale of goods, or the purchase, sale, renting or mortgaging of real estate, when the transaction involves no favor to a police officer as such. Police officers are forbidden to invest money or to be otherwise financially interested in any business licensed as above.

RULE 40.— COURTS, EVIDENCE.

1. The police concerned in cases before the courts are to be punctual in attendance, wearing the uniform, and clean and neat in appearance. Inspectors and men detailed for special service may appear in plain clothes, unless otherwise ordered by their commanding officers.

2. They shall have the cases in which they are complainants properly prepared, the witnesses present, and all property which is to be used in evidence suitably arranged for presentation to the court.

3. They shall observe the utmost attention and respect towards magistrates at all times.

4. When giving evidence they shall speak calmly and explicitly, in a clear, distinct and audible tone, so as to be easily heard by court and jury. They shall give evidence with the strictest accuracy, confining themselves to the case then before the court, and neither suppressing nor overstating the slightest circumstance with a view to favoring any person, or from ill will to either side. When cross-examined they shall answer with the same readiness and civility as when giving evidence in support of the charge, remembering that the ends of justice will be best subserved by their showing a desire simply to tell the whole truth, whether it be in favor of or against the prisoner.

5. When the police are sufferers from injuries received, and are giving evidence against those they believe to be guilty, it is especially necessary that they should not allow any feelings or wishes as to the decision of the case to influence them.

6. If the police give improper or unsatisfactory evidence, or any remarks of an unfavorable character are made by the court regarding their testimony or behavior, a report thereon shall be made by the officers concerned to their commanding officer by whom it shall be forwarded to the superintendent.

7. A police officer shall not testify in any civil or criminal case in any court unless legally summoned so to do, or unless he shall have received permission or order so

to do from the officer in command of his division or unit, or from the superintendent or the commissioner.

8. In cases before the grand jury, commanding officers shall see to it that there is no unnecessary attendance and duplication of evidence on the part of police officers. The testimony of one or two police officers is all that is required for a full presentation of the facts in nearly every given case, and when a case appears to a commanding officer to be exceptional and because of peculiar facts or circumstances to require several police officers as witnesses, the district attorney or one of his assistants should first be consulted.

9. The courts and prosecuting officers require for the proper transaction of their business that police officers who are applicants for warrants or witnesses in cases shall attend promptly at the hours designated. When an officer is aware in advance of his inability so to attend he is required to inform the proper official as far as possible in advance of the time; and when he arrives late through unexpected causes he is required to make explanation to the proper official.

10. The superintendent will from time to time detail an officer of rank to attend the sessions of the municipal criminal and superior criminal courts, to observe the conduct of the police, and to report any irregularities or violations of this rule.

RULE 41.— CHARGES, TRIALS, PENALTIES.

1. The commissioner may lower in rank or compensation, fine, suspend or discharge any member of the force or employee of the department for any of the following offences:

Being under the influence of intoxicating liquor or any narcotic drug, or for the habitual or noticeable use of intoxicating liquors or any drug.

Neglect of duty.

Neglect or disobedience of orders.

Violation of the law or of the ordinances of the city or of any rule or regulation having the force of law made by any board, officer or commission having power to make rules and regulations.

Incapacity: mental, physical, moral or educational.

Inefficiency, or the state of being incapable of effective action or indisposed to it.

Causing any person to interfere, by solicitation or otherwise, with the commissioner or any superior officer in his own interest or in the interest of another applicant for promotion, transfer or preferment of any kind.

Conduct unbecoming an officer.

Any violation of the rules of the department.

Any other act contrary to good order and discipline, or constituting neglect of duty or a violation of the rules of the department.

COMPLAINTS BY POLICE OFFICERS — BY CITIZENS AT STATIONS.

2. Complaints against members of the force made by other members shall be in writing. When the complainant is not the commanding officer of a division or other unit, the complaint shall be entered in the journal of the division or other unit to which the complainant is attached, and the commanding officer shall within twenty-four hours thereafter make charges and specifications founded upon such complaint and forward them to the superintendent for transmission to the commissioner.

3. Commanding officers shall similarly forward charges and specifications founded on matters within their own knowledge or on information received by them touching supposed violations of the rules. Especially shall they prefer charges against any of their subordinates who, through apparent negligence, shall have failed to discover a homicide, burglary or serious breach of the peace, committed on their routes during their tour of patrol duty, or who shall have culpably failed or neglected to take measures to arrest a person guilty of such an offence.

4. Complaints made under section 2 or 3 shall be disposed of, by hearing or otherwise, in such manner as the commissioner shall determine. If by hearing, the commanding officer making the complaint, unless otherwise ordered, shall be responsible for the preparation and presentation of the case.

5. A member of the force whose reputation has been injured by rumors or assertions without specific charges may apply to the commissioner in writing for an inquiry; and a member of the force who feels aggrieved by treatment on the part of a superior officer, not amounting to a specific violation of the rules, may make complaint to the commissioner directly in person or by letter.

6. When a person not a member of the force applies at a station house for the purpose of making a complaint against a police officer, the officer in command shall take the complaint in writing and enter it in the journal. Should the complaint be of such character that neither the officer in command nor the division commander can dispose of it properly within the authority conferred upon him by the rules, or should the complainant so request, the division commander shall within twenty-four hours report the complaint in writing to the superintendent for transmission to the commissioner.

When so directed by the commissioner the chief clerk shall frame charges based upon the report and notify the complainant to appear and verify them by affidavit. Failure so to appear within four week days shall be regarded as an abandonment of the charges, and unless further action for the interest of the department be ordered by the commissioner, they shall be quashed and not made a part of the officer's record.

Officers in command may exercise reasonable discretion in receiving complaints from persons who are intoxicated or otherwise irresponsible, but even when made by such persons all complaints involving assault or ill-treatment, or the loss of money or other personal property, should receive careful consideration. For the purposes of this section sub-stations shall be regarded as station houses, but all complaints addressed to the superintendent shall be made by officers in command of divisions.

COMPLAINTS RECEIVED AT HEADQUARTERS.

7. Complaints made at headquarters against police

officers by persons not members of the force shall be received by the chief clerk or other official authorized by the commissioner, who shall cause charges and specifications to be framed and signed, and verified by affidavit.

When a complaint has been prepared in accordance with the provisions of section 6 or of section 7, it shall be forwarded to the commissioner, who will either order a hearing or send the complaint for preliminary investigation to the commanding officer of the division or other unit to which the accused officer is attached. The commanding officer's report in writing shall include, as far as practicable, a summary of statements by the complainant, the accused officer and witnesses on either side, and such other matter as he himself may deem it advisable to present. On the basis of this investigation the commissioner, under the authority conferred upon him by law, will decide whether or not the complaint shall be formally heard. Such hearing will not be ordered and the complaint will be dismissed when the preliminary investigation shows that the charges are frivolous, malicious, or incapable of proof, or that they are based on a complainant's lack of knowledge of the duties of a policeman and the lawful limitations of his authority.

GENERAL RULES FOR HEARINGS.

8. When a complaint is to be heard formally, the commissioner will assign a time permitting of not less than forty-eight hours' notice to the complainant and the defendant. Such notice shall be given under the direction of the chief clerk, together with a copy of the charges and specifications, by delivery to the complainant and the defendant in person, or at their last and usual places of abode. Postponement to another date will be allowed by the commissioner for an adequate reason presented by either the complainant or the defendant, provided that the request for such postponement be received before the day set for the hearing. The complainant and the defendant may have attorneys present at the hearing. Witnesses before testifying shall be

sworn, or if they have conscientious scruples as to taking an oath, will be allowed to affirm; and they shall be examined separately and apart from one another. The complainant and the defendant will be responsible for the attendance of their respective witnesses, but the chief clerk, when so requested by either of them, shall give reasonable assistance in securing such attendance. Minutes of the testimony shall be taken for the sole use of the commissioner. Should it be deemed necessary to recall a witness after a hearing has been closed, further examination shall be in the presence of the complainant and the defendant and, if counsel took part in the original hearing, in the presence also of counsel; but either party or his counsel may give a written waiver of this right.

9. A hearing, when ordered, shall be held either before the commissioner or before a trial board of three captains designated by him under authority of chapter 291, Acts of 1906. In either case the provisions of the preceding sections as to procedure shall apply, subject to modification by the commissioner in special instances for adequate reasons; and when the hearing is before a trial board, the further provisions contained in section 10 of this rule shall be in force.

ADDITIONAL RULES FOR TRIAL BOARDS.

10. When the commissioner desires to refer a case to a trial board, and has assigned a time for hearing, he will cause to be sent to each member of the designated board a copy of the complaint, with a notice of the date and the hour assigned.

The senior captain present shall serve as chairman of the board, and the junior captain present as secretary. Besides the members of the board, the commissioner, the superintendent, the commissioner's secretary, the chief clerk of the department, a stenographer designated by the commissioner, the complainant and the defendant and their attorneys and the witness actually testifying, no person shall be permitted to remain in the hearing room except by unanimous vote of the board.

No member of a board shall sit in a trial in which a man of his own division is either complainant or defendant; nor shall he sit in any other case in which his personal or official relations to either party or to counsel might properly raise a question as to his impartiality.

A hearing shall be under the full control of the board, and no person, whether an official of the department or not, shall be permitted to take part except with its unanimous consent.

The purpose of a hearing shall be to ascertain the exact truth, and members of a board, especially when counsel is not present, shall protect the rights of a complainant or a defendant whenever through lack of ability or of experience or through oversight his case may seem to be improperly prejudiced. The fact that the law has provided for trial boards not composed of lawyers is sufficient proof that it does not expect that they shall know or attempt to follow the strict rules of evidence.

At all times, except as otherwise herein prescribed, a majority vote of the members will determine the action of a board. In its deliberations after a hearing, a board shall be by itself.

A board shall report its findings in writing to the commissioner as soon as possible after a hearing, together with a recommendation as to the punishment, if any, which in its judgment ought to be imposed. A majority vote shall have the effect of a vote of a board, but one member may make a separate finding as to guilt or innocence, or give a separate opinion as to punishment.

The findings and the recommendation as to punishment shall be delivered sealed by the chairman or the secretary of a board to the commissioner, and, except in so far as he shall make them public, no member of a board shall at any time disclose them.

JUDGMENTS AND PENALTIES.

11. Judgments by the commissioner, whether following hearings held by himself or based on the findings of a trial board, shall be in writing and duly entered upon

the record. They shall also be embodied in general orders which shall be read at the several station houses at the two roll calls next succeeding the receipt thereof. Judgment may be suspended by the commissioner in any case because of mitigating circumstances, previous good conduct of the accused, or for other good reasons. Such suspension and the reasons therefor shall be entered in the record, and judgment may be rendered at any future time without notice to the accused.

12. A member of the force convicted on hearing may be punished by the commissioner, by discharge, reprimand in general orders, reduction in rank, fine, or the imposition of punishment duty.

13. Punishment duty when ordered as a penalty for an offence shall be performed under the direction of the commanding officer of the division or unit to which the man under punishment is attached, and if at headquarters, under direction of the superintendent or a superior officer designated by him. Whenever any portion of the punishment duty as ordered has been performed, the officer assigning it shall report to headquarters in the next daily return the name of the man, the number of hours and the character of the work done; and when the sentence has been completed he shall so certify in such form as the superintendent shall prescribe. Punishment duty shall be in addition to all regular and extra duty, and no man under punishment shall be on that account relieved of any regular or extra work which he otherwise would have done. Punishment duty must be useful, whether in the street or in the station house, whether as an addition to the effective strength, or as a relief for other men who have worked hard and faithfully. Responsible officers are warned to be especially careful that no suggestion of favoritism shall attach to their assignments or reliefs. Punishment duty must be so assigned that the man under punishment shall not suffer undue fatigue or be otherwise unfitted for his regular or extra work; and except with his written consent, he shall not be compelled to do more than seven

consecutive hours of punishment duty at any time, or more than fourteen hours in four consecutive days or more than twenty-one hours in seven consecutive days. Neither shall he be compelled, without his written consent, to perform such duty within two hours before or after a tour of regular or special duty.

14. Any police officer, against whom a complaint has been made, who shall attempt, directly or indirectly, by threat, appeal, persuasion, or the payment or promise of money, to secure the withdrawal or abandonment of such complaint, or to prevent the attendance of witnesses, or who at any time before final judgment shall cause any person to intercede personally, or by letter, in his behalf, with the commissioner or with a member of a trial board, shall be tried on the charge of conduct unbecoming an officer.

RULE 42.—PUBLIC AND PAYING POLICE DETAILS.

1. Special details of police for particular occasions or purposes may be made by commanding officers at their discretion, or by order of the superintendent.

2. It is the intention of this rule that the police shall attend in sufficient numbers and as a matter of duty at gatherings of a civic, political or similar public character at which their presence is likely to be needed for the preservation of order.

3. But there are other gatherings, private or semi-public, and there are other calls for police attendance coming sometimes even from official bodies, which are outside the natural responsibility of the department, and policemen detailed under such conditions should be paid by the persons who ask for their services. It is impossible to draw a line which shall with accuracy distinguish details, which should be free from details which should be paid for; and this rule does not make the attempt. It may be said, however, that the practice now existing in the department as to paying details is reasonable; and particular cases must continue to be decided by commanding officers acting alone or in consultation with the superintendent.

4. Paying details shall be so arranged that they shall not take the time of officers who are on regular duty or may be needed in the public interest for extra duty. They shall be given to officers otherwise free as to their time. Officers of the division in which such work is to be done shall be assigned to it by the commanding officer, and should he desire officers in addition to those whom he can properly supply, or should inspectors be needed, he shall apply for them to the superintendent. Paying details in the several divisions shall be so made as to divide the work fairly from time to time among available men, but reasonable preference shall be shown to patrolmen with dependents and patrolmen receiving the lower grades of pay.

5. No member of the force shall be requested by a superior officer to volunteer his services as a policeman for a detail of the kind mentioned in section 3 of this rule. No member of the force shall undertake to render such services unless assigned by his commanding officer; neither shall he return or agree to return any compensation earned by him through such assignment.

6. Policemen detailed to the duty to which this rule applies, whether on department service or on paying detail, shall not act as ushers, doorkeepers, ticket-takers or carriage openers, nor shall they call for particular carriages for the convenience of individuals. When assigned to theaters or other places of amusement they shall not assist in the buying or selling of tickets, by passing tickets or money to or from the ticket offices; they are to preserve order and to see that in so far as possible purchasers are attended to in their proper turn. Police officers on paying detail must be courteous and helpful, but also they must remember that they are officers of the law receiving private pay only because the character of the service which they are rendering, though proper and reasonable, is not such as to justify its performance at public expense.

7. In labor strikes and similar emergencies in which two or more private interests are mutually opposed,

special details, when needed, shall be so made by commanding officers as to preserve order and protect the property and legal rights of all persons. No charge shall be made for such service; but should a person, firm or corporation desire to secure for his or its private premises police protection in excess of that generally afforded and to pay therefor, commanding officers may make paying details subject to the provisions of this rule and to these special conditions: (a) that the details needed in the public interest shall not be weakened; (*b*) that officers furnished to private parties shall be carefully instructed that, except for their continuous presence and notwithstanding the payment to be received by them, they are under no obligation to such parties and are to perform their police duties as they would in any public place; (*c*) that such officers shall accept from such parties no services or gratuities other than transportation required for the performance of their duty and refreshments when none can be bought by them within a reasonable distance of their posts.

8. Charges for services on paying details shall be made on the general basis of regular salaries received by the officers assigned; but for all officers below the rank of sergeant the basis shall be the maximum salary of a patrolman.

9. The money received as compensation shall be paid without deduction to the members of the force by whom it is earned, collections being made in such manner as the superintendent shall direct.

10. Commanding officers shall report monthly to the chief clerk the number of paying details in the preceding month in their respective divisions or units, with the names of the officers assigned thereto, the amount of the compensation received by each and his written acknowledgment thereof.

RULE 43.— NEWSPAPER PUBLICATIONS.

1. The relations which should exist between members of the police force on the one side and representatives of

the newspapers on the other cannot be precisely defined. In theory, police work should be carried on without regard to newspaper publicity, and in theory also a newspaper reporter is entitled to no more consideration than any other citizen. But in practice it is different. Newspapers are the only means by which the community can learn promptly of the work of the police department; and apart from the gratification of mere popular curiosity there is a just public claim to news and information of a substantial kind which the police department can furnish and the newspapers desire to print. It is on this consideration of public utility that the legislature and the city council have given official recognition to newspaper reporters in the manual and the municipal register, and have even furnished to them at public expense exclusive accommodations, with adequate supplies and conveniences.

2. For practical police purposes no strict rule as to this matter can be laid down for members of the force, but these directions should be observed:

Treat newspaper reporters with the civility to which all citizens are entitled, and require of them in turn that when they are on police premises they shall observe all regulations which apply to those places.

Assist them in any legitimate inquiry whenever time, place and police interests permit, but give no information contrary to your judgment through persuasion or through the desire or the fear of publicity; and especially say nothing to them which you would be unwilling that your superiors should know that you had said.

Many criminal cases with which the police have to deal are of such a character that for the public interest and especially in their early stages they should be kept private; and police officers should always be on the safe side of that rule. In a far larger number of cases publicity is harmless; but even then the course to be taken should be decided by the superior officer who is especially responsible.

It should be remembered that many persons, men and

women, who ask the aid of the police on information given voluntarily and exclusively by themselves and at the same time request that their business be not made public, have rights which should be respected. When publication is not required in the general interest it should not be made contrary to such request.

News which is to be furnished at all should be furnished as promptly as possible, from the station houses and at headquarters. Officers in command at station houses are under no obligation to determine, outside their police duties, what is and what is not news; but as soon as they learn of a matter of importance in which the police are concerned, and even before they have the details, they should telephone the known facts to headquarters.

RULE 44.— ARRESTS AND PRISONERS.

1. The general provisions of this rule shall apply to all arrests and prisoners except in so far as the procedure may be modified in the case of women and children by statute or by special regulations following.

2. All arrest warrants, except indictment warrants, remaining unserved for six months shall be returned to the court, unless otherwise ordered by the superintendent. Note of the return shall be made in the warrant book.

3. Upon the granting or receipt of warrants for the arrest of persons charged with felonies the officer in command of the Bureau of Criminal Investigation and division commanders, unless excused from so doing by the superintendent, shall fill out and forward to the superintendent with the next morning report a blank as provided, describing the persons wanted and the nature of the felonies, with full particulars. It shall be the duty of the superintendent to distribute the information given in these descriptions to the Bureau of Criminal Investigation and the several divisions within twenty-four hours after receipt of the same. These descriptions shall be read to the men at roll call and copied in the index and warrant book. Any subsequent information likely to lead to the detection and arrest of the persons described

as aforesaid shall be immediately forwarded in the same manner. The arrest of persons described as aforesaid shall be reported to headquarters in the morning report following the arrest, when the bureau and the divisions shall be notified by manifold, and note shall be made thereof in the warrant book.

4. Persons shall not be taken into custody upon written warrant (except in case of felony) after the adjournment of the court to which it is returnable for the day, with a view to detaining them at the station house over night, unless, in the opinion of the arresting officer, there is good reason to believe that the person against whom the warrant is held would be likely to escape from justice; and no officer shall execute such warrant after court hours, unless with the approval of his superior officer.

5. Persons taken into custody by an officer, with or without a written warrant, must, if practicable, be taken before the court at its next sitting. If taken on a warrant, the arresting officer must make a return over his own signature.

6. Carriages may, when necessary, be hired by officers commanding divisions, or under their direction, for the conveyance of prisoners, other than those conveyed by the patrol wagons and prison vans, to and from the several station houses.

7. Each officer shall enter in his pocket manual the names of persons arrested by him, with such particulars as may be important on the trial of the case.

PRISONERS IN GENERAL.

8. Every person arrested for any cause shall be taken at once to the station house of the division upon which such person is arrested, and registered upon the books of that division excepting that persons arrested by officers attached to headquarters shall be taken to the Bureau of Criminal Investigation and there registered.

9. When a prisoner is arrested on a warrant taken out by an officer of a division other than that in which

the arrest is made, he shall be surrendered to the division holding the warrant, where the arrest shall be recorded for statistical purposes; but if when arrested and before such surrender he has been taken to the station house of the division in which the arrest was made, the arrest shall there be recorded in the blotter book and shall be red-lined.

10. All persons taken to headquarters or a station house under arrest shall be immediately placed before the officer in charge, who shall enter the arrest in the daily arrest record; shall see that they are properly searched, and that whatever is taken for safe-keeping is labeled and entered upon the record; and shall make the examination and report upon injuries required by G. L., c. 276, s. 33. Every officer detailed to search prisoners shall be held strictly accountable for making a thorough search.

11. After they have been searched, prisoners shall be placed in the cells, no more force being used than is necessary to overcome resistance.

12. When a person is taken to a station house suffering from wounds or injuries which in the judgment of the officer in charge require medical attention, a physician shall be called. If the physician shall so advise, the person shall not be held at the station house, but shall be sent to a hospital; and while in hospital such person if under arrest shall be in the legal custody of the police. If wounds or injuries appear to have been inflicted by the arresting officer, the officer in charge shall record the fact upon the journal. The commanding officer shall forthwith inquire into the circumstances of the case, and if it shall appear that unjustifiable violence was used, he shall prefer charges against the offender.

13. When a prisoner is unconscious from any cause the officer in charge shall immediately endeavor to restore consciousness by the means described in the police Pocket Manual; failing so to do within a reasonable time, he shall call a physician, and be guided by his instructions. An unconscious person shall not be placed in a cell, except with the sanction of a physician.

14. When a person who has been treated at a station house by a physician has sufficient money in his possession he shall be requested to pay the physician's fee, but such payment shall not be made from his money without his consent.

15. Prisoners shall be made as comfortable as possible. They shall be supplied with clean water to drink. Necessary refreshment may be purchased for them out of money taken from them, if they so request, providing the charge against them does not relate to such money; and the amount so expended shall be entered on the daily arrest record. Necessary refreshment may be purchased for prisoners who have no money, and bills for the same, properly vouched, shall be forwarded monthly.

16. Persons under arrest shall be given proper facilities for notifying their friends or a bail commissioner, but no expense to the department shall be incurred for such purpose. No member of the force or employee of the department shall accept a fee for rendering any services to such persons; nor shall any such member or employee receive money or any valuable thing from a prisoner for any purpose whatever without the knowledge and consent of the officer in charge, who shall enter in the journal a minute thereon.

17. The police shall not recommend to prisoners or others the employment of any specified person as attorney or counsel, nor shall they furnish the names of persons as bondsmen or be concerned in matters of bail otherwise than as prescribed in Rule 45.

18. Officers in charge shall visit, or cause to be visited, all persons in their custody at least once every half-hour during the day and night, and any unusual appearance of the prisoner shall receive immediate attention.

19. No person except the commissioner, the superintendent, a deputy superintendent or the chief inspector, or a person authorized by one of them, shall visit or converse with a prisoner in a station house or at headquarters, except in the presence and hearing of the officer in charge, or his assistant; nor shall any member of the

force converse with a prisoner in a municipal court, except in the presence of the person making the complaint.

20. When a person who is under arrest for intoxication is brought before an officer in command of a station house for the purpose of signing the "drunk statement," so called, neither a cross nor any other substitute for his actual signature shall be accepted unless the officer has good reason to believe that the prisoner would be unable to write even though in his normal condition — that is to say, that he is illiterate. This rule shall not apply, however, to a person suffering from a known physical injury of such a nature as to prevent his writing. Certain dispositions of cases of persons arrested for intoxication shall be recorded and reported as follows: When released by a probation officer without arraignment the record shall be "Released by Probation Officer"; when placed on probation after arraignment the record shall be "Placed on Probation."

21. Persons arrested while the municipal courts are in session, who are in a fit condition to be tried, shall be taken before said courts. Persons who are not in a fit condition to be tried when arrested, and those who are arrested after court hours, shall be conveyed to the city prison, unless otherwise lawfully disposed of. Commanding officers shall take measures to insure the attendance of complainants and witnesses in all cases. Prisoners shall not be transported in vans in excess of the seating capacity. When necessary extra trips of the vans shall be made and prisoners at station houses awaiting transportation shall be returned to the cells.

22. If a person who is either under their care or in custody should appear to be in immediate danger of dying, the police will call, when he so requests, and as promptly as possible, a clergyman of any religious faith designated by him. Should he be unconscious or unable for any other reason to express a wish, and should the police, through personal knowledge, or information received, or because of his apparent race or nationality or the presence of religious emblems upon him, consider it reason-

able to believe that he is of any particular faith, they will call a clergyman of that faith. This is a work of charity which all members of the force, whatever their individual beliefs, should perform with generous disposition.

23. In the examination of prisoners by question or otherwise for the purpose of obtaining confession or information, no police officer shall infringe upon their legal rights, nor shall he subject them to any pressure or procedure of which he would be unwilling to inform a court engaged in a hearing of the case.

24. When the first emergency of arrest has passed and a prisoner is to be transferred from one station house to another or to the City Prison or the House of Detention, or from any of those places to a court room, the officer under whose direction the transfer is to be made shall see to it that the prisoner is decently clothed or covered, and in extreme cases, especially those involving female prisoners, inexpensive garments may be provided at the cost of the department.

WOMEN AND CHILDREN.

The following sections applicable to women and children shall take precedence of the provisions of the general sections of this rule when in conflict with them:

25. All women and girls under arrest or received for the purposes of lodging and detention at station houses 1, 2, 3, 4, 5, 6, 8, 15 and 16, shall be immediately sent to the House of Detention, unless the prisoner's condition is such as to require the attention of a physician, in which case the physician's directions shall be obeyed. The officer in charge of the station house shall send with each prisoner a card giving her description as entered on the station house record.

All women and girls under arrest or received for the purposes of lodging and detention, at station house 12, shall be immediately sent to station house 6, unless the prisoner's condition is such as to require the attention of a physician, in which case the physician's directions shall be obeyed. The officer in charge of the station

house shall send with each prisoner a card giving her description as entered on the station house record.

All women and girls under arrest or received for the purposes of lodging and detention at station house 11 shall be immediately sent to station house 19, unless the prisoner's condition is such as to require the attention of a physician, in which case the physician's directions shall be obeyed. The officer in charge of the station house shall send with each prisoner a card giving her description as entered on the station house record.

All women and girls under arrest or received for the purposes of lodging and detention at station houses 17 and 18 shall be immediately sent to station house 13, unless the prisoner's condition is such as to require the attention of a physician, in which case the physician's directions shall be obeyed. The officer in charge of the station house shall send with each prisoner a card giving her description as entered on the station house record.

All such women and girls, when they arrive at the House of Detention or the designated station house, shall be immediately placed in charge of the matron attached to such House of Detention or such station house, who shall have the sole care of such prisoners as long as they shall remain in the House of Detention or station house (See Rule 22).

In case of fire or other emergency which prevents confinement of prisoners in a designated station house or House of Detention, women shall be taken to the next station house or station houses, designated to receive women, or to the House of Detention.

26. Women and girls who are in the custody or under the care of the department shall not be searched by police officers unless an immediate search under one or the other of the following conditions appears to be necessary and no police matron or other suitable woman is at the time and place available:

a. When there is good reason to believe that the person has in her possession a weapon, a poison, a drug or other like means of causing death or injury to herself or to another.

b. When there is good reason to believe that stolen property is hidden about the prisoner and there is imminent danger that it may be thrown away or destroyed.

Searches in such emergencies shall be made with all possible regard for decency; by direction and under the supervision of an officer of rank should one be present; and with a witness, if obtainable, other than the searching officer. After a search by a police officer has been made the facts relating to it shall be reported in writing to the superintendent by the officer in command of the division or other unit.

When no police matron is immediately available in either of the emergencies above specified and the services of any woman of good character can be at once obtained, the search may be made by her, and a fee for the same not to exceed two dollars may be paid to her by the commanding officer of the division or other unit and included in his monthly bill to the department.

It is the duty of police officers to take possession of hat pins or other articles worn outside the clothing or carried in the hands and capable of being used as weapons, and to search bags, bundles and other movable property.

Women and girls in custody in Divisions 6, 7, 9, 10, 11, 12, 13, 14, 15, 17 and 18 while awaiting search by a matron shall be kept under as close observation as the diverse arrangements of the several station houses will permit. Generally speaking, a woman prisoner at a station house should be kept under guard in a public room until taken in charge by a matron; but when drunk, violent, obscene or profane, she should be locked in a cell with an officer outside the door. The regulation of details of this character must necessarily be left to the judgment of the officer in command of the station.

Women and girls in custody at headquarters and Divisions 1, 2, 3, 4, 5, 8 and 16 shall be sent to the House of Detention, where they shall be searched by the matrons.

26. Male and female prisoners shall not be transported together to or from a court in a van or other carriage.

27. No prisoner under seventeen years of age shall be carried in a vehicle which is occupied at the same time by a prisoner or prisoners above that age; but when an inclosed van is used a prisoner under seventeen years of age may be placed in a compartment separated from that occupied by the older prisoners; and in emergencies, or when a prisoner under seventeen years of age has been arrested in the company of an older person or for complicity in the same offence, such prisoner may be carried in the same vehicle with persons above seventeen years of age, provided a police officer accompanies them within the vehicle.

28. When an agent of a society having statutory authority in the matter of neglected children offers to provide a carriage for the purpose of transferring from their homes to police stations or elsewhere under orders of the courts and on complaint by the society such children as are alleged to be neglected, in accordance with the provisions of the law, division commanders will accept the offer and in each case will have a clear understanding with the agent as to the time and place at which the carriage is to be ready. Should a case arise in which such a society is not concerned, commanding officers in their discretion may avail themselves of the provisions of Section 6 of this rule as to the use of carriages.

Following the present practice of the department neglected children will not be taken into custody except at such an hour of the morning as shall make it reasonably certain that they shall not have left their homes and as shall permit of their presentation at court without long detention at a station house; but this provision shall not apply to cases in which the health or the safety of children requires that a different course shall be taken.

29. When a minor is arrested for intoxication the officer in charge of the station house to which he is taken shall endeavor by all proper means to ascertain the place or places at which the minor obtained liquor; and a report of the arrest and the results of the inquiry shall be made to the superintendent.

HOMICIDES.

30. When there is reasonable ground for believing that a homicide or an assault likely to result in death has been committed, or that death will probably follow a criminal attempt to procure abortion, the officer discovering the facts or obtaining the information shall immediately report the same to the officer in command of the division in which the supposed crime has taken place. The officer in command shall immediately notify the superintendent or, in his absence, the officer in charge at headquarters, who in turn shall at once notify the chief officer of the Bureau of Criminal Investigation, or, in his absence, the officer detailed to assist him. When such notice is received in the night time the officer in charge at headquarters will use his best judgment, based on information obtained by him, as to the necessity for the immediate notification of the officers of the Bureau of Criminal Investigation, such necessity depending largely upon the character of the case, the extent to which it has been cared for or may be cared for by the police of the division, the improbability of death or the appearance of other conditions indicating that the case might be attended to as well by the bureau the following morning.

31. Pending the appearance of officers of the Bureau of Criminal Investigation the officer in command of the division shall do everything in his power to obtain evidence in the case and to secure the arrest of the suspected persons and the detention of witnesses.

32. The chief officer of the Bureau of Criminal Investigation or his assistant shall take such measures as he may deem advisable to assist in the prosecution of the case. He shall make such detail from the bureau as he he may consider necessary to cause the arrest of the suspected person or persons, if not already arrested. He shall receive from the commanding officer of the division, who is required to forward the same, all property which is to be used as evidence in court, and shall see that it is kept in a safe and proper place until the case has been tried and disposed of by the courts. As promptly

and completely as possible he shall prepare a report of all obtainable facts and evidence, one type-written copy of which shall be furnished to the district attorney, one to the superintendent of police and one to the commanding officer of the division; and the fourth copy together with all evidence subsequently obtained shall be kept on file in the bureau.

33. A record of the case, including the action of the courts, shall be entered upon the books of the division in which it occurred.

RULE 45.—BAIL AND BAIL COMMISSIONERS.

1. When a prisoner in custody at a station house or other place of detention desires to be bailed the officer in charge shall render him all necessary assistance, without expense to the department; but a person under arrest for drunkenness shall not be admitted to bail until he has so far recovered that he may be released without danger to himself or to the public.

2. Printed lists of persons authorized to take bail in criminal cases, furnished to the department by the court authorities, shall be placed in each station and substation and in the superintendent's office, the Bureau of Criminal Investigation, the City Prison and the House of Detention, one copy of the list to be hung in a place accessible to the public and another copy to be kept at the desk.

3. When a person desires to give bail the officer in command shall inform him that he is to make his choice from the list, and when the choice is stated word shall be sent to the chosen official directly or through headquarters. Should that official be unavailable the same process shall be repeated with others as often as may be necessary.

4. When the person declines to make a choice, through inability to read or for any other reason, the officer in command or the officer at headquarters, should the call be sent through headquarters, shall endeavor to secure the presence of the official whose residence or office is so

situated as to make it probable that he can be earliest in attendance. If he should be absent or unable to attend at once other officials shall be called in the order of their probable availability.

5. Cards of officials authorized to take bail shall not be kept for distribution at station houses or other places mentioned above; and the officials in question shall be subject to the rules concerning those places which provide that civility and attention shall be shown to all persons having proper business, but that "Persons without such business and those whose business has been finished shall not be allowed to remain, the officer in charge at the time to be the judge and to be responsible."

6. Police officers shall understand and be governed by the understanding that the police department has no interest whatever in the personality of the officials who take bail; that its only concern is that prisoners and their friends shall be served as promptly as possible; and that in securing such service police officers shall not consider in any way the private interests of the authorized officials even by attempting to apportion calls among them.

7. In order that the cards in use throughout the department may continue to be uniform changes or corrections in the official list or additions thereto shall be made only when authorized by the superintendent.

RULE 46.— FIRES.

1. When a police officer learns of the existence of a fire of such character as to require action by the fire department and it seems to him to be impracticable or unwise to limit his call to particular pieces of apparatus in the immediate vicinity, he shall ring an alarm from the nearest fire-alarm box, if none to his knowledge has already been given, at once and before attempting to extinguish the fire. He shall then see that by himself or by another trustworthy person left at the box the firemen are properly directed. He shall note the time of an alarm whenever given by himself or by another person in his presence, and any matters of seeming importance connected therewith or with the fire itself.

2. The police at fires shall assist in all practicable ways in the preservation of life, the protection of property and the prevention of crime; but after the arrival of the first piece of fire apparatus they shall not enter a burning building except for the purpose of saving life, or at the request of a superior officer of the fire department for the performance of a proper police service. They shall maintain at all times cordial and helpful relations with the fire department and its individual members on duty.

3. When an alarm of fire is rung, the officer in command at the station house of the division in which the box is situated shall immediately dispatch to the scene of the supposed fire such force, including officers in citizen's dress, as may be necessary. The officer first at a fire shall hold precedence and control over others as they appear until the arrival of an officer of a higher grade; and the command thereafter shall be exercised in accordance with the provisions of Rule 4. If reinforcements are needed, notice shall be sent to headquarters.

4. It shall be the immediate duty of a police officer in command at the beginning of a fire to ascertain from the fire department officer in charge of the firemen the area which he desires cleared in order that the work of his department may not be obstructed. At fires for which two or more alarms are given the fire lines shall be established as soon as possible in the rear of hydrants in use and at a similar distance on streets in which no hydrants are in use. From the area designated the police shall remove all vehicles and all persons not members of the fire, the protective or the police departments, except members of the city council wearing their badges exposed and other persons wearing exposed badges or permits issued for the current year by the fire department. When it may reasonably be supposed that a person applying for admission is a clergyman whose services may be needed within the fire lines, he is to be passed by the police. The lines thus established shall be maintained, contracted or extended as needed by the fire department.

5. An officer in command of the police at a fire calling for protracted service shall establish his headquarters at a place convenient for the direction of the police work, and if called away shall leave at that place a member of the force to represent him. Officers arriving from time to time shall report at those headquarters for orders.

6. Police officers having engine or ladder truck stations on their routes, in so far as they possibly can while on duty and consistently with the proper performance of their duties, shall, as soon as possible after the apparatus has left the station to respond to an alarm of fire proceed to the engine or ladder truck station and close all doors and see that the doors are locked.

7. In case of a fifth alarm every officer not actually on street duty shall immediately go to his station house and await orders. Patrolmen on street duty shall report from the signal boxes on their routes and notify all officers residing on their routes.

8. In all cases of incendiary fires where evidence is obtainable, and an immediate arrest is necessary, officers of this department shall make the arrest, and the commissioner of the Department of Public Safety, State House, shall be notified.

When an immediate arrest is not necessary division commanders shall report to the commissioner of the Department of Public Safety, State House, all the facts in their possession, act in conjunction with him and render him all possible assistance in bringing the guilty persons to justice.

9. Officers in charge of stations shall transmit immediately by telephone all reports of fires, accidents, etc., to headquarters as soon as possible after an alarm of fire has been given. In case a full report cannot be given they shall transmit the important facts, particularly in cases of accidents, so that the press and relatives of injured persons may be notified.

10. The police will note particularly whether or not, in any junk shop or other place where rags, waste paper or similar inflammable materials are kept, the stocks are

stored in such a way as to be displeasing to the sight and at the same time a fire menace. Reports as to such places, with description of conditions, shall be forwarded to the superintendent by division commanders.

11. The police will make prosecutions in all cases of persons using hydrants contrary to ordinances.

12. When an officer hears a signal sounded by the whistle of a railroad locomotive, as required by G. L., c. 160, s. 237, consisting of one long and three short whistle blasts repeated several times, to indicate that a fire burning uncontrolled on lands adjacent to the tracks of the railroad has been discovered, he shall make an immediate investigation and, if necessary, sound a regular fire alarm from the nearest box to the scene of the fire.

RULE 47.— USE OF REVOLVERS AND CLUBS.

1. Revolvers will be furnished to all members of the force, to be carried loaded when on duty. Each member shall be held responsible for the perfect condition of the revolver furnished to him. He must see that it is clean, loaded and ready for use; and should it need repairs, he must so report at once to his commanding officer. Extra cartridges will be furnished from time to time on requisition by commanding officers for the purpose of testing revolvers in the hands of their men or of replacing cartridges likely to have become defective. Members of the force shall familiarize themselves with the handling and the work of their revolvers, and they shall carry when on duty no revolver not of a pattern authorized by the commissioner.

There are now only two makes of revolvers in the Boston Police Department, namely, Smith & Wesson and Colt's Police Positive, both of 38 calibre. It is the duty of commanding officers to see that no other makes of revolvers are carried by officers under their control, and should any officer be found carrying a revolver of any other make, report of the fact, together with the name of the officer, should be immediately sent to the superintendent.

2. Clubs of established patterns will be furnished to all members of the force.

3. Whenever a member of the force strikes a person with his club and whenever he discharges his revolver while acting as a police officer, except in caring for the weapon or practising with it, he shall, at the end of his tour of duty, so inform his commanding officer and the commanding officer shall thereupon report the facts in writing to the superintendent, the report to include a statement of the names of the officer and other persons concerned, the circumstances under which the club or the revolver was used, the nature of the injury inflicted, if any, and the care given afterwards to the injured person.

4. A policeman who fires a revolver in a public place takes many risks. He must answer for his act and for its results to his own conscience, and perhaps to the law and to the police department. In its moral aspect the matter concerns himself alone, but his legal responsibility may become a question for the courts, and his conduct as a policeman is judged by his superiors. He should learn early and well the things that he has a right to do, the things that it is his duty to do, and the things that are forbidden. An emergency gives no time for study, little for thought, and yet, through timely preparation, he must be ready to act instantly and without fear, but with the good judgment that comes from knowledge. Not even the best police rule can be a perfect guide, and this rule is set up not because it is believed to be perfect, but because it is the duty of the department to direct its members as best it can in so difficult and dangerous a matter.

5. The commissioner will not hold to censure or other punishment, a policeman who fires his revolver, while in the performance of his duty, for any of the following purposes:

(*a*) To defend himself from death or serious injury.

(*b*) To defend another person unlawfully attacked from death or serious injury.

(*c*) To effect the arrest or to prevent the escape, when other means are insufficient, of a convicted felon or of a person who has committed a felony in the policeman's presence.

(*d*) To kill a dangerous animal, or to kill an animal so badly injured that humanity requires its removal from further suffering.

(*e*) To give an alarm or to call assistance for an important purpose when no other sufficient means can be used.

The first three of these cases cover the discharge of a revolver, whether with the intent to shoot the opposing person or to frighten him into submission.

In the first case, the law would surely be on the side of the policeman who fired to strike, and in the second and third cases there is practically no doubt of his legal right. Firing into the air or at the ground is dangerous to innocent persons and is a risk for the policeman, for he might find it hard, in case of injury to such persons, to prove the direction of his fire. On the whole, therefore, it is wise to avoid firing in any of the first three cases unless the conditions are such as to justify shooting directly at the malefactor.

It must be remembered, moreover, that when a policeman fires in any of these cases his motive as known to himself may not be sufficient justification in the sight of others; he must be able to show, if challenged, not only that it was, for example, in self-defence that he fired, but that the conditions were actually such as to warrant him in believing that he was in danger of death or of grave injury.

The discharge of a revolver to aid in the arrest, or to stop the flight, of a person who has committed only a misdemeanor is forbidden; but, when such person becomes a dangerous assailant, or when an attempt is made to rescue, by violence, a prisoner of any grade even though guilty of no more than a misdemeanor, the situation changes instantly; the policeman must meet force with force, and the use of his revolver as a last means of protecting himself and upholding the law will be approved by the commissioner.

RULE 48.—MEDICAL EXAMINER'S SERVICE; SUDDEN DEATHS, DEAD BODIES.

1. This rule applies to every case in which it comes to the knowledge of the police that a person has died from violence, whether accidental or criminal, or has died under conditions which suggest crime, or has died from apparently natural causes involving neither violence nor suspicion but without a physician in attendance. When such knowledge is obtained by a policeman, whether through the finding of a body in a public place or through information as to a death in private, he shall at once inform the officer in command of the division in which the death or the finding of the body has occurred. Such officer shall thereupon instruct him in accordance with the provisions of this rule, shall notify headquarters and, except as explained in section 2, headquarters shall notify the medical examiner. It is intended hereby that the police shall not themselves undertake to determine the cause of death, that the medical examiner shall be notified in all cases involving violence or the suspicion of crime and in all other cases lacking a physician in attendance. Bodies of infants and the apparently still-born are subject to the same rules as those of adults.

2. Within the general meaning of this rule "a physician in attendance" is one who has been in charge of a person during his last illness, not one who may have been called after death or to attend a person suddenly stricken. But when a death is free both from apparent violence and from the suspicion of crime and a physician even though not previously in charge of the deceased person informs the police that his knowledge of the case is such as to qualify him to give the certificate required by the Board of Health and that he intends to give such certificate, a record of the facts, including the name and address of the physician, shall be made, and notification of the medical examiner shall not be necessary.

3. When bodies apparently dead are found in houses or other places not exposed to public view, but under conditions which require notice to the medical examiner,

the medical examiner shall be notified immediately, and the body shall be left as found, under police guard, until the arrival of the medical examiner or the receipt of instructions from him; but this provision shall not be construed as prohibiting efforts to restore a person concerning whose death there is doubt.

4. Bodies apparently dead, which are exposed to public view in tide water, in a street, a park, a church, a theater or a similar public place, shall be removed at once to the nearest suitable shelter, and the medical examiner notified immediately.

5. The officer who finds a body shall at once note all the particulars, take the names of all persons present, or who may have any knowledge of the affair, and, if necessary, detain for the time being any persons whose testimony, in his judgment, might be needed in establishing any fact or clearing up any doubt in connection with the case, and as soon as possible shall notify the commanding officer of his division. A memorandum of all information obtained by the officer who finds the body, the name of the deceased, if known, the approximate age, the place where the body was found, the circumstances of the death, the names of all persons who were present, or who might have any knowledge of the affair, with the name and the station of the officer who found the body, and all other particulars, shall be forwarded by the commanding officer of the division in which the body was found, within twenty-four hours to the Superintendent, and a copy thereof transmitted forthwith by the Superintendent to the medical examiner of the district in which the body was found. A memorandum of the same facts shall be left with each body deposited at a mortuary by the police. Under the law the medical examiner takes charge of any money or other personal property of the deceased found upon or near the body.

6. All cases requiring the attention of the medical examiner shall be referred to the examiner of the district in which the death occurs.

7. An officer shall be stationed at headquarters whose

duty it shall be to investigate all cases appropriate for inquest which come under the cognizance of medical examiners. Said officer shall procure evidence to be presented at inquests, attend inquests, and submit the testimony in connected and proper form, and perform such other duties in relation to the examinations upon the view of dead bodies as may be required by the medical examiners.

8. The dividing line between the two medical examiners' districts in the City of Boston is defined as follows: Beginning at the Brookline line at its junction with Huntington avenue; thence through Huntington avenue, and Forsyth way to and through the middle of the Fens, through Boylston, Berkeley and Providence streets, Park square, Boylston and Essex streets, Atlantic avenue and Summer street to Fort Point channel; thence through Fort Point channel, Dover street, Dorchester avenue, Dorchester street, East Fourth and G streets to the water of the old harbor. Dead bodies found in tidewater and brought to wharves or shores north of Dover street and east of G street belong to the northern division; those found in tide water and brought to wharves or shores south of Dover street and west of G street belong to the southern division. Dead bodies belonging to the northern division shall be taken to the mortuary at North Grove street; those belonging to the southern division shall be taken to the mortuary in the yard of the City Hospital, Harrison avenue.

RULE 49.— ACCIDENTS, THE SICK AND INJURED.

1. In all cases of recent accidents, wherever found, and in all cases of sickness occurring in the streets or other public places, the police shall render all needed assistance in their power by sending for medical aid, or by helping the sufferers to their homes or to the nearest hospitals. When a physician arrives the officer shall act under his instructions; but police officers are expected to be competent to render first aid in such cases before the arrival of a physician, and for that purpose will be instructed in

methods of restoring consciousness, checking hemorrhages, administering antidotes, improvising and adjusting splints, applying bandages, and carrying the sick and wounded. (See emergency notes in Pocket Manual.)

Cases of sickness in houses are not within the province of the police, but in emergencies they will afford such help as they can without neglecting their duty or unduly diverting the police wagons or ambulances from their proper uses.

2. In case a police ambulance or patrol wagon is required, word shall be sent to the nearest station house. Every station house shall be provided with appliances for use in cases of injury, and a supply of splints, bandages and absorbent cotton shall be carried on every patrol wagon and ambulance.

3. Police officers shall pay particular attention to all cases of drowning coming under their observation, using every means in their power, regardless of time and cost, to resuscitate persons taken from the water. (See Pocket Manual.)

4. Police officers shall make full reports of all cases of accidents and injuries to persons or property which come to their notice, and such reports shall be entered on the journal of the division. When it is alleged that an injury to person or property has been caused by defects or obstructions in the public streets, they shall take immediate measures to obtain all information which would be of value in determining the cause of the injury, to ascertain whether any liability rests upon the city or the abutters. They shall collect the names and addresses of all persons who saw the accident or know particularly concerning it, and, in case of injuries alleged to have been caused by accumulations of snow and ice, they shall call two or more residents in the vicinity to view the premises with them. Reports of such cases shall be immediately forwarded to the inspector of claims. No officer shall furnish information to any person not a member of the police or the law department on the subject of an accident except by order of the superintendent.

5. Whenever an accident caused by gas or electricity, whereby any person has suffered bodily injury or loss of life or has been rendered insensible, comes to the knowledge of a member of the force, he shall immediately investigate the case and report to the officer in command of the division upon which the accident occurred, who shall immediately report the same to the superintendent. The superintendent shall within twenty-four hours of such accident report the same in writing to the State Department of Public Utilities.

Reports shall be made to the Health Department of the City of all damage or injuries from illuminating gas coming to the knowledge of the police which happen in houses whether accidental or caused by intention, and shall be forwarded in a manner similar to that employed in the case of reports to other municipal departments.

When a person is injured by accident in a building which is under construction or repair, the Building Department shall be furnished, on application made to the officer in command at headquarters or at any station house, with such information concerning the accident as the police may have; provided that if it shall appear to such officer that there exists a possible liability on the part of the City of Boston, information shall be given only with the approval of the City Law Department.

6. When a police officer is called to the relief of a sick or an injured seaman in a public place he shall deal with him as with any other sick or injured person, by causing him to be sent to one of the city hospitals for immediate treatment if necessary.

If an injured seaman be removed from a vessel to which he is attached, the police officer causing the removal shall ascertain whether or not the vessel hails from any port in the United States. If the vessel does not hail from any port in the United States that fact shall be communicated to the surgeon in charge of the hospital to which the seaman is removed. In the event, however, of the vessel's hailing from any port in the United States, the officer shall cause a "Master's Cer-

tificate for Sick or Disabled Seamen," as issued by the Treasury Department, U. S. Public Health and Marine Hospital Service, to be procured from, made out and signed by the master or authorized agent of the vessel, which certificate shall be delivered to the surgeon in charge of the hospital to which the seaman is sent, for the purpose of enabling such seaman to obtain admission to the U. S. Marine Hospital. When the condition of the injured seaman is such as to forbid delay, he must be cared for first and the certificate obtained afterwards.

When a seaman who is at the time ashore is sent to a hospital, whether he be attached to any vessel or for the time being unattached, the officer causing the removal shall give to the surgeon of the hospital to which he is removed such information as he may possess concerning the seaman, with reference especially to his connection with any vessel, and whether or not such vessel hails from any port in the United States, in order that the surgeon of the hospital may communicate such information to the surgeon of the United States Hospital Service at the Custom House, Boston, for the purpose of enabling the seaman to be admitted to the United States Marine Hospital.

Within the meaning of this section a seaman is any person who follows the sea as an occupation or any person who is at the time employed in any sea-going occupation on board any vessel.

(For special directions as to persons apparently insane see Pocket Manual.)

RULE 50.— STREETS, SIDEWALKS.

1. The police shall be vigilant in observing the condition of the public streets in order that they may be safe and convenient for travel.

2. When a police officer discovers a defect or an obstruction in a public street which is likely to cause accidents, he shall at once remove it if practicable; if the defect or obstruction is of such a nature that he cannot remove it, he shall take immediate measures to prevent accidents by erecting suitable guards, and, if at night, by displaying lanterns.

3. If a defect in the public street is caused by want of repairs or the failure of a person who has made an excavation to restore the street to a proper condition the Department of Public Works of the city shall be notified; if by defective manhole or cesspool covers, notice shall be sent at once to the sewer division stable nearest to the place where the defect exists.

4. The police shall be vigilant in the enforcement of the ordinances which prohibit the opening or obstructing of public streets and the disturbance of the paving or surface thereof without permits from the proper city authorities.

5. Permits for opening streets shall be taken up by the patrolmen upon whose routes such permits are in force, and returned to the station house; and patrolmen shall report any violation of the terms of the permits, either as to time, place or manner of doing the work; and such permits and report shall be forwarded to the department from which the permit issued.

6. If the holders of such permits do not furnish suitable guards and lights the patrolmen shall see that such guards and lights are provided without delay, and shall report the neglect as soon as practicable.

7. The police shall report every case in which the holder of a permit to occupy a part of a street for any purpose neglects to provide a safe and convenient passage for public travel around or over any obstruction made under such permit.

8. Patrolmen shall carefully notice all coverings of coal holes and other openings in streets on their respective routes, to see that the same are maintained in a safe and convenient condition for public travel.

RULE 51.— HORSES.

1. All persons having the care and ordering of horses used in the department will be held strictly responsible for their proper treatment.

2. An accurate description of every horse in the service shall be entered in a register by the property clerk, under

a number which it shall bear and be known by while in service, and by which it shall be referred to in all reports and documents relating to it.

3. Each horse shall have his identifying number attached to him in such manner as the Commissioner shall prescribe.

4. Patrol wagon horses shall be under the immediate care of drivers. Mounted men shall be responsible for the condition and safe-keeping of the horses and equipments assigned to their use.

5. When a horse becomes sick or lame so as to be unfit for use the commanding officer or the property clerk as the case may be shall report the facts forthwith to the superintendent. Veterinary surgeons shall not be employed unless directed by the commissioner or the superintendent, except that in cases of sudden and violent sickness, when immediate relief seems necessary, commanding officers may call a surgeon for the occasion. A note of such cases shall be made on the journal or the records of the property clerk as the case may be and a report sent to the superintendent.

6. Mounted men in going to and returning from their routes shall proceed at a pace not exceeding six miles an hour. While patrolling their routes they shall proceed at a fast walking pace, and shall not ride at a canter or running pace, unless rapid movement is required in the performance of police duty.

7. On returning to stables riding horses shall be dressed down and their feet washed out. Particular attention shall be given to the care of their backs, especially when the horse is heated or wet with perspiration. Where horses are kept at livery mounted men shall see that the stablemen treat them properly, and shall report any case of neglect or illtreatment to the commanding officer.

8. Division commanders may arrange for the care and keeping of the driving and riding horses attached to their divisions, subject to the approval of the superintendent.

RULE 52.— REQUISITIONS FOR CRIMINALS.

1. Whenever it becomes known to a member of the force that a person wanted in Boston on a criminal charge is in custody in another state, the information shall be communicated at once to the superintendent, who shall arrange for the arrest and return of such person.

2. Officers charged with that duty shall observe the "Rules of Practice in Interstate Rendition," as published in the Report of the Attorney General of Massachusetts, for the year ending January 21, 1920, and which are given below in full:

"RULES OF PRACTICE IN INTERSTATE RENDITION.

"Every application to the Governor for a requisition upon the executive authority of any other state or territory, for the delivery up and return of any offender who has fled from the justice of this Commonwealth, must be made by the district or prosecuting attorney for the county or district in which the offence was committed, and must be in duplicate original papers, or certified copies thereof.

"The following must appear by the certificate of the district or prosecuting attorney:

"(*a*) The full name of the person for whom extradition is asked, together with the name of the agent proposed, to be properly spelled.

"(*b*) That, in his opinion, the ends of public justice require that the alleged criminal be brought to this Commonwealth for trial, at the public expense.

"(*c*) That he believes he has sufficient evidence to secure the conviction of the fugitive.

"(*d*) That the person named as agent is a proper person, and that he has no private interest in the arrest of the fugitive.

"(*e*) If there has been any former application for a requisition for the same person, growing out of the same transaction, it must be so stated, with an explanation of the reasons for a second request, together with the date of such application, as near as may be.

"(*f*) If the fugitive is known to be under either civil or criminal arrest in the state or territory to which he is alleged to have fled, the fact of such arrest and the nature of the proceedings on which it is based must be stated.

"(*g*) That the application is not made for the purpose of enforcing the collection of a debt, or for any private purpose whatever; and that, if the requisition applied for be granted, the criminal proceedings shall not be used for any of said objects.

"(*h*) The nature of the crime charged, with a reference, when practicable, to the particular statute defining and punishing the same.

"(*i*) If the offence charged is not of recent occurrence, a satisfactory reason must be given for the delay in making the application.

"1. In all cases of fraud, false pretences, embezzlement or forgery, when made a crime by the common law, or any penal code or statute, the affidavit of the principal complaining witness or informant, that the application is made in good faith, for the sole purpose of punishing the accused, and that he does not desire or expect to use the prosecution for the purpose of collecting a debt, or for any private purpose, and will not directly or indirectly use the same for any of said purposes, shall be required, or a sufficient reason given for the absence of such affidavit.

"2. Proof by affidavit of facts and circumstances satisfying the executive that the alleged criminal has fled from the justice of the state, and is in the state on whose executive the demand is requested to be made, must be given. The fact that the alleged criminal was in the state where the alleged crime was committed at the time of the commission thereof, and is found in the state upon which the requisition was made, shall be sufficient evidence, in the absence of other proof, that he is a fugitive from justice.

"3. If an indictment has been found, certified copies, in duplicate, must accompany the application.

"4. If an indictment has not been found by a grand

jury, the facts and circumstances showing the commission of the crime charged, and that the accused perpetrated the same, must be shown by affidavits taken before a magistrate. (A notary public is not a magistrate within the meaning of the statutes.) It must also be shown that a complaint has been made, copies of which must accompany the requisition, such complaint to be accompanied by affidavits to the facts constituting the offence charged by persons having actual knowledge thereof, and that a warrant has been issued, and duplicate certified copies of the same, together with the returns thereto, if any, must be furnished upon an application.

"5. The official character of the officer taking the affidavits or depositions, and of the officer who issued the warrant, must be duly certified.

"6. Upon the renewal of an application,—for example, on the ground that the fugitive has fled to another state, not having been found in the state on which the first was granted,— new or certified copies of papers, in conformity with the above rules, must be furnished.

"7. In the case of any person who has been convicted of any crime, and escapes after conviction, or while serving his sentence, the application may be made by the jailer, sheriff or other officer having him in custody and shall be accompanied by certified copies of the indictment or information, record of conviction and sentence upon which the person is held, with the affidavit of such person having him in custody, showing such escape, with the circumstances attending the same.

"8. No requisition will be made for the extradition of any fugitive, except in compliance with these rules."

RULE 53.— SPECIAL POLICE.

1. The police commissioner will, upon the written application of any officer or board in charge of a department of the city of Boston, approved by the mayor of said city, appoint special police officers for such department. (St. 1898, c. 282, s. 1.)

2. In accordance with a ruling of the civil service

it is required that officers and boards of the city of Boston applying for the appointment of persons as special police officers shall certify that such persons are already employed under them in the performance of other duties.

3. The police commissioner will, upon the application of any corporation or person that said commissioner may deem responsible, appoint special police officers to serve without pay from the city of Boston, and the corporation or person applying for an appointment under this section shall be liable for the official misconduct of the officer appointed on such application as for the torts of any servant or agent in the employ of such corporation or person. When any such application is made by or in behalf of more than one person it will not be considered unless all applicants sign it; nor when made by a corporation, unless it is signed by a duly authorized agent and accompanied by a certified copy of a vote authorizing such application to be made by such agent. All applicants shall be required to state the nature of their interest in the property or locality for which the officer is to be appointed, that is to say, whether as owners, lessees, agents or managers. All applications made under this section shall be examined and reported on by the commanding officers of the divisions upon which such special officers are respectively to do duty. (St. 1898, c. 282, s. 2; Police Rule.)

4. Every special police officer appointed under the provisions of sections 1, 2 and 3 of this rule shall have while his license is in force the power of a police officer to preserve order and to enforce the laws and ordinances of the city in and about any park, public ground, place of amusement, place of public worship, wharf, manufactory or other locality specified in the license. A record of all such appointments shall be kept in the office of the commissioner, and any appointment so made may be suspended or revoked by him at any time. (St. 1898, c. 282, s. 3.)

Applications for new licenses under sections 1, 2 and 3 of this rule may be filed at any time. Applications for

the reissue of such licenses already existing should be filed at least thirty days before their expiration. All licenses shall expire annually on the first day of April except that licenses may be issued in March to be valid for twelve months, beginning the next succeeding first day of April. Persons whose licenses have expired and have not been reissued will be liable to prosecution if assuming to act as special police officers.

No person will be appointed a special police officer under this rule who is less than twenty-two years of age, except that in certain cases in which such action seems advisable to the police commissioner or because of employment by the city of Boston, the county of Suffolk, the Commonwealth of Massachusetts, or the United States of America, a person may be appointed if above the age of twenty-one years; or who is not a citizen of Massachusetts; or who is unable to read or unable to write the English language understandingly; or who is not of good moral character; or who has ever been convicted of a serious crime. (Police Rule.)

5. Special police officers will be furnished with a badge numbered and recorded in the office of the commissioner, which they shall wear on the left breast when on duty; and they shall surrender said badge at the end of their term of service, or when they resign or are discharged. In case a badge is lost the holder thereof shall immediately report such loss to the chief clerk, who will furnish a new badge upon payment therefor. If a uniform be worn by a special police officer it shall not include a helmet, and it shall not be of such cut and color that on the whole it might cause the wearer to be mistaken for a regular policeman; the commander of the division in which the special officer is licensed to act to be the judge and to be responsible. (Police Rule.)

6. Special police officers shall assist regular officers in preserving the peace or taking a prisoner to a station house. Persons arrested by special police officers shall be taken to the station house of the division in which the officer making the arrest is authorized to act, and

a record shall be made in the same manner as for other arrests. When a special police officer calls a patrol wagon to take a person to the station house he shall accompany the prisoner. (Police Rule.)

7. Special police officers may be appointed by the police commissioner for duty on election days. (St. 1889, c. 423.) Railroad police are appointed by the police commissioner. (St. 1898, c. 282.)

8. The police commissioner may upon an emergency or apprehension of a riot, tumult, mob, insurrection, pestilence or invasion appoint as many special patrolmen, without pay, from among the citizens as he may deem desirable. (St. 1878, c. 244, s. 7.)

No person shall be so appointed who is not a resident of this Commonwealth.

Such special patrolmen during their term of service shall possess all the powers and privileges and perform all the duties of regular patrolmen in the police force of the city of Boston. (Police Rule. And see St. 1878, c. 244, s. 7.)

Such special patrolmen may be assigned to the different stations or placed under the command of some officer of rank at headquarters or elsewhere as the superintendent of police shall from time to time order.

RULE 54.—STREET RAILWAYS.

1. Licenses will be granted by the police commissioner to drivers, motormen, conductors and starters of the several street railway corporations upon such terms and conditions as are provided for by chap. 59, Acts of 1879, and amendments thereto, and by the rules and regulations of said commissioner.

2. All applications for the licensing of drivers, motormen, conductors and starters shall be in writing, and signed either by the president or the superintendent of the company for which the license is desired, or by the clerk of the corporation, duly authorized by vote of the board of directors.

3. By the terms of the act of the legislature the

persons licensed can act only for the company, and in the capacity designated in the license. If a driver, motorman, conductor or starter retires, or is discharged from the service of one company, and is employed by another company, a new license shall be required.

4. If a licensed driver, motorman, conductor or starter retires, or is discharged from the service of the company for which he is licensed, the company shall inform the police commissioner forthwith.

5. When a licensed driver, motorman, conductor or starter enters upon his service he shall deliver to the superintendent, or other proper officer of the railway company, the license which has been issued to him by the police commissioner, and said license shall be deposited and kept in the office of said company while said licensee is in its service; and upon his retirement or discharge therefrom, said license shall be returned to him.

6. A fee of twenty-five cents shall be paid for each license issued.

7. Each license shall be numbered, and the licensee shall wear either on the front of his cap or on the breast of his outside coat a number corresponding to the number of his license, and of a pattern approved by the police commissioner.

8. If any driver, motorman, conductor or starter so delays without reasonable cause the car of which he has charge or control as to hinder or obstruct the passage of other cars or other vehicles, in any public street or way of the city, it shall be deemed sufficient cause for the revocation of his license.

9. A police officer may direct a motorman to stop his car to prevent accident or to facilitate traffic. Police officers are forbidden to stop street cars, except at regular stopping places, for the purpose of riding thereon or alighting therefrom for their own convenience; provided, however, that a police officer may stop a street car between stopping places to board it or to alight from it, when in the performance of his duty great haste is necessary and he cannot reasonably wait until such car or another car reaches a stopping place.

When a police officer has occasion to order a car that has stopped to "move on," he shall give the order to the conductor, if convenient, otherwise to the driver or motorman, who shall immediately notify the conductor of the order by striking two bells; the object being to prevent accidents should the driver or motorman be ordered to move while passengers are in the act of entering or leaving the car. When such an order is given the conductor shall immediately signal the driver or motorman to start, unless passengers are in the act of entering or leaving the car.

10. Drivers, motormen, conductors and starters shall promptly obey all orders given by police officers, unless so doing would endanger life or limb. The orders given by police officers shall be obeyed by drivers, motormen, conductors and starters in preference to those given by any other person or persons. If the orders given by a police officer are harsh or unreasonable the licensee to whom they are given will report the fact to the superintendent or other proper officer of the company by which he is employed. Any defiance of orders given by a police officer, or any profane, indecent or contemptuous language addressed to a police officer by a driver, motorman, conductor or starter, shall be deemed sufficient cause for the revocation of a license.

11. When drivers, motormen or conductors delay or loiter on their routes, and the police take note of the circumstance with a view to report it, the driver, motorman or conductor offending shall be informed, if practicable, at the time, that he is to be reported, and for what offence. When drivers or motormen are observed to be loitering or causing an obstruction, the police shall caution them and ascertain the alleged cause for the delay.

12. No street car shall stop or stand at any place (without special permission), unless its passage is obstructed during its route or journey, longer than is necessary for taking up or setting down passengers; and if any conductor, driver or motorman violates this rule, it shall be deemed sufficient cause for the revocation of his license.

13. The police shall not enter into conversation with drivers, motormen, conductors or starters, when on duty, or when riding on any car. When a policeman finds it necessary to address them, he shall so do only in order to caution them and to take proper steps to enforce the law.

14. If the police observe any known thief or any person of suspicious appearance entering or riding upon a street car, they shall immediately notify the conductor, in order that he may keep a watch on such person and prevent the commission of any felony.

15. Police officers are not permitted to ride free on street cars except in full uniform, and then they are to ride on the front platform of box cars, on the rear platform of open cars, and when on elevated trains in the smoking cars. Not more than two officers riding without payment of fare shall occupy the platform of a car at the same time; but by rule of the Elevated Railway Company fares will not be collected from police officers in excess of two who board a car at such points as court houses, police stations, or nearest stops thereto. They shall not accept from any street railway company, or any person connected with a company, any free passes for themselves or others.

(St. 1879, c. 59; St. 1880, c. 99; St. 1897, c. 343.)

RULE 55.— REVOLVER LICENSES.

1. Under the authority of G. L., c. 140, s. 131, the police commissioner will issue licenses, on application, to persons who wish to carry a pistol or revolver, "if it appears that the applicant has good reason to fear an injury to his person or property or for any other proper purpose, and that he is a suitable person to be so licensed," and upon payment of such license fee as the police commissioner shall prescribe.

2. Applications for new licenses under this rule may be filed at any time. Applications for the renewal of licenses should be filed at least thirty days before the expiration of such licenses. All licenses issued under this

rule shall expire annually on the thirty-first day of May, except that licenses may be issued in May to be valid for twelve months beginning the next succeeding first day of June. Persons whose licenses have expired and have not been renewed will be liable to prosecution if carrying a weapon for which a license is required. Except for express, railroad, bank and government employees and in similar cases in which application is made by responsible central authorities rather than by individuals for themselves, licenses will not be issued to persons who are not residents of Boston, nor will minors be licensed.

3. When applications are referred to commanding officers for investigation they shall note the double condition of necessity and fitness contained in the law as quoted in section 1 of this rule. Their reports shall be positive as to both conditions, not merely such statements as that "there is no objection" or "the applicant is a person of good character." Applications for renewal of licenses shall be investigated as in the first instance, with particular reference to changes in the character or the need of the applicant; but when approved it will be sufficient so to state without presenting reasons therefor.

4. When a special police officer applies for a license to carry a pistol or revolver the application, whether new or for a reissue, will not be considered unless accompanied by the written assent of the person or persons, as described in Rule 53, at whose request the applicant was licensed as a special police officer. When a person other than a special police officer applies for a license to carry a pistol or revolver and such applicant is in the employ of another person, firm or corporation, the application, whether new or for a reissue, will not be considered unless approved in writing by his employer, if a person, by an accredited agent of a firm or corporation or, in the case of an applicant who is in the public service, by the head of the department in which such applicant is employed or by another official thereof whose authority to approve is recognized by the police commissioner.

5. Licenses to carry loaded pistols or revolvers will

not be granted for the purpose of authorizing persons engaged in any capacity in labor strikes or similar disputes to arm themselves. Members of the department may inform persons whose applications have been rejected on this or any other ground that the police commissioner is but one of many officials empowered to grant licenses of this character; that such licenses once granted are valid in all parts of the Commonwealth; and that under G. L., c. 140, s. 131, they may be issued by "the justice of a court, or trial justices, the board of police or mayor of a city, or the selectmen of a town, or persons authorized by them."

6. Members of the force will observe that United States customs officers and inspectors, while in the performance of their duties as such, may carry weapons at their discretion without license.

RULE 56.— AUCTIONEERS.

1. The commissioner will, upon petition, license suitable persons, who have resided in Boston during the six months next preceding the application for such license, to be auctioneers within the same for the term of one year upon such conditions respecting the places of selling goods and chattels within the city of Boston as the commissioner deems expedient. Applications for such licenses shall be examined and reported on by the commanding officer of the division in which the applicant's place of business is situated. Such licenses shall be given subject to such terms, conditions and regulations as the commissioner shall prescribe in general orders or otherwise. The license fee shall be two dollars. (G. L., c. 100, ss. 2, 8; Police Rule.)

2. Each auctioneer shall give a bond in the penal sum of five hundred dollars, with sufficient sureties, to the treasurer of the city of Boston, with condition that he shall in all things conform to the laws relating to auctioneers. (G. L., c. 100, s. 3; Police Rule.)

3. Every auctioneer shall keep a fair and particular account of all goods and chattels sold by him and of

the persons from whom such goods and chattels were received, and to whom they were sold. (G. L., c. 100, s. 4.)

4. An auctioneer who receives for sale by auction any goods from a minor, knowing him to be such, shall forfeit to the use of the city of Boston a sum not exceeding two hundred dollars for each offence. (G. L., c. 100, s. 9.)

5. An auctioneer, except as provided in G. L., c. 101, ss. 8 and 29, may sell by public auction in any place within his county, and, when employed by others, may sell real or personal property in any place within the Commonwealth, if such sale is made where such real or personal property is situated and in accordance with such conditions relative to the hours and places of selling as the commissioner deems expedient, provided that such personal property does not consist of goods, wares or merchandise which have been brought into a city or town in the Commonwealth by persons engaged in the business of travelling and carrying stocks of goods, wares or merchandise from one city or town to another within the Commonwealth for the purpose of selling the same by auction. If an auctioneer sells by auction in a town or city where he is not authorized to sell, he shall forfeit fifty dollars. If an auctioneer makes a sale by auction at a time or place not authorized by the commissioner he shall be liable to like penalties as if he had sold without a license. (G. L., c. 100, s. 5, as amended by St. 1921, c. 127.)

6. The sales of goods, wares and merchandise which have been brought into Boston for the purpose of being sold by auction shall be made by auction only by an auctioneer duly licensed in Boston or in some other city or town within the Commonwealth, and having a regular and established place of business in Boston where the goods, wares or merchandise are to be sold. And said auctioneer must, if a nonresident of Boston where he has his place of business, receive from the commissioner a permit to hold such sales by auction in said Boston, and the

commissioner may require a special license fee for the holding of sales. Any person violating any of the provisions of this section shall be punished by a fine of not more than one hundred dollars. (G. L., c. 100, s. 6.)

7. The tenant or occupant of a house or store, having the actual possession and control of the same, who knowingly permits a person to sell real or personal property by public auction in such house or store, or in any apartment or yard appurtenant to the same, contrary to the provisions of G. L., c. 100, shall forfeit a sum not exceeding five hundred dollars. (G. L., c. 100, s. 7).

8. If a person not licensed and qualified as an auctioneer sells or attempts to sell any real or personal property by public auction, he shall for each offence forfeit a sum not exceeding five hundred dollars. (G. L., c. 100, s. 10.)

9. Nothing in the preceding sections shall extend to sales made by sheriffs, deputy sheriffs, constables, collectors of taxes, executors, administrators, guardians, conservators, assignees of insolvent debtors, or by any other person required by law to sell real or personal property. (G. L., c. 100, s. 13.)

10. Every auctioneer or other person who is guilty of fraud or deceit in relation to a sale by auction shall for each offence forfeit a sum not exceeding one thousand dollars. (G. L., c. 100, s. 12.)

11. Any person who sells or attempts to sell by auction, or who advertises for sale any goods, wares or merchandise in any city or town in the Commonwealth, falsely representing or pretending that such goods, wares and merchandise are in whole or in part a bankrupt or insolvent stock, or damaged goods, or goods saved from a fire, or making any false statement as to the previous history or character of such goods, wares and merchandise, shall be punished by a fine of not more than one hundred dollars, and shall be further liable in an action of contract to any person purchasing any such goods, wares and merchandise, because of such representation or statement, in an amount equal to three times the amount paid for such goods, wares or merchandise. (G. L., c. 100, s. 11.)

12. If an auctioneer makes a sale by auction at a time or place not authorized by his license, he shall be liable to like penalties as if he had sold without a license. (G. L., c. 100, s. 8.)

(See Commonwealth *v.* Harnden, 19 Pick. 482.)

13. The police commissioner may for such cause as he deems satisfactory and without a hearing suspend and make inoperative any licenses issued by him. (St. 1909, c. 221. See also G. L., c. 100, s. 2.)

RULE 57.— PUBLIC LODGING HOUSES.

1. The police commissioner will, upon petition, license suitable persons to keep public lodging houses. Applications for new licenses under this rule may be filed at any time. Applications for the reissue of licenses already existing should be filed at least thirty days before the expiration of such licenses. All licenses issued under this rule shall expire annually on the thirtieth day of April next after the granting of the same except that licenses may be issued in April to be valid for twelve months beginning the next succeeding first day of May. Persons whose licenses have expired and have not been reissued will be liable to prosecution if carrying on the business for which the license is required. Such applications and licenses shall specify the street or other place, and the number of the building, or give some other particular description thereof, in which the licensee shall exercise his employment; and the license shall not protect a person who carries on his business in any other place than that so specified. No fee shall be charged for such license. (G. L., c. 140, s. 34.)

2. Every building in the city of Boston not licensed as an inn, in which ten or more persons are lodged free or for a charge of twenty-five cents or less for each person for a day of twenty-four hours, or for any part thereof, shall be deemed a public lodging house. No building or part thereof, erected, altered or converted to be used as such a public lodging house, shall have the sleeping compartments arranged on the cubicle plan. (G. L., c. 140, s. 33.)

3. No such license shall be granted until an inspector of buildings has certified that the building, if it has eight or more rooms or ten or more persons are accommodated above the second story, complies with the requirements of G. L., c. 143, and in other cases is provided with sufficient means of escape in case of fire; and that suitable appliances are provided for extinguishing fires and for giving alarm to the inmates in case of fire; and said inspector may from time to time require such alterations to be made or such additional appliances to be provided as may in his judgment be necessary for the protection of life and property in case of fire. (G. L., c. 140, s. 35.)

4. No such license will be granted until the board of health has certified that the building is provided with a sufficient number of water-closets and urinals, and with a good and sufficient means of ventilation; and said board may from time to time require the licensee to thoroughly cleanse and disinfect all parts of said building and the furniture therein, to the satisfaction of said board. (G. L., c. 140, s. 36.)

5. In every public lodging house a register shall be kept, in which shall be entered the name and address of each lodger, together with the time of his arrival and departure, and such register shall at all times be open to the inspection of the police. (G. L., c. 140, s. 37.)

6. The keeper of every public lodging house shall, at all times when required by any officer of the building department, the health department or the police department, give him free access to said house or any part thereof. (G. L., c. 140, s. 38.)

7. Whoever keeps or holds himself out as keeping a public lodging house without being duly licensed as provided in sections 33 to 38 inclusive of chapter 140 of the General Laws, and whoever is concerned or financially interested in any public lodging house, the keeper of which is not so licensed, shall be punished by a fine not exceeding one hundred dollars; and any keeper of a public lodging house who violates any provision

of sections 35 to 38 inclusive of said chapter shall be punished by a fine of one hundred dollars, and the police commissioner shall immediately revoke his license. (G. L., c. 140, ss. 34, 39, 40.)

RULE 58.— HACKNEY CARRIAGES.

1. Every vehicle used or to be used for the conveyance of persons for hire from place to place within the city of Boston, shall be deemed to be a hackney carriage within the meaning of this rule except a street railway car or a trackless trolley vehicle within the meaning of G. L., c. 163, s. 2, or a motor vehicle, commonly known as a jitney, operated in the manner and for the purposes stated in G. L., c. 159, s. 45, or a sight-seeing automobile, as defined in St. 1913, c. 592, s. 1.

No person shall drive or have charge of a hackney carriage, nor shall any person or corporation set up and use a hackney carriage unless licensed thereto by the police commissioner.

No owner or person having the care or ordering of a hackney carriage shall suffer or allow any person other than a driver licensed by the police commissioner to drive such carriage.

Any person or corporation violating any of the provisions of this rule shall forfeit and pay a fine not exceeding twenty dollars for each offence; and any licensed owner or driver who violates any of the provisions of this rule shall, in addition to said penalty, thereupon become liable to forfeit his license and be disqualified to hold a license thereafter.

2. The police commissioner may grant licenses to suitable persons, who are owners of such vehicles, to set up and use them as hackney carriages, and all persons who are qualified as drivers, and in other respects, to drive and have charge of hackney carriages. Such licenses will be given subject to such terms, conditions and regulations, and upon the payment of such fees, as the commissioner shall, from time to time, prescribe in general orders or otherwise.

New applications for license and for permits for special stands may be filed with the police commissioner at any time, but applications for the renewal of licenses and permits already in force shall be filed annually in May or June. They shall be made on official forms provided by the inspector of carriages, shall contain all the information therein required and shall be examined and reported on by the said inspector or other police officer designated for the purpose. All licenses and permits shall become void on the first day of July annually, except such as are granted in June as valid for the year beginning on the next succeeding first day of July.

No person shall be licensed to be a driver or an owner of a public hackney carriage unless he can read, write and speak the English language intelligently.

Hackney carriages shall be registered at the places at which they are kept and in no case at the stands, public or special, for which provision is made in section 3 of this rule.

No license or permit provided for in this rule shall be sold, assigned or transferred without the consent of the police commissioner in writing; and any licensee who shall cease to be the owner or the driver of a hackney carriage shall at once surrender his license to the police commissioner.

When a licensed owner changes his address or the place at which a hackney carriage owned by him is kept, or when a licensed driver changes his home address, his place of employment or his employer, he shall within three days of such change notify the inspector of carriages.

3. The police commissioner may assign to any person or corporation licensed to set up and use a hackney carriage a place as a special stand for such licensed carriage, and the owner of more than one licensed carriage may keep any one of his licensed carriages on a stand assigned to him when it is not occupied by another licensed carriage owned by him. No such special stand shall be assigned or granted to any person who is not

the owner of such licensed carriage. Permits for special stands will be issued as distinct from licenses of owners or drivers and may be revoked, suspended or transferred without affecting the validity of such licenses.

4. The police commissioner will designate certain places to be used as public stands by hackney carriages, not exceeding at any one time the number specified for each place. Owners or drivers of carriages shall not trespass upon special stands to which they have not been assigned, and owners or drivers of carriages who have special stands shall not trespass upon public stands; nor shall more than two carriages owned by the same person be upon a public stand at the same time to the exclusion of a hackney carriage owned by another person.

The police commissioner reserves to himself the right to take away, change, modify or reassign any and all privileges in and to both special and public stands at his discretion.

5. Every hackney carriage shall be provided with a lamp on each side thereof; and said lamps shall be kept lighted when such vehicle is in use in the night time. The number of the owner's license in figures in the Arabic character of not less than one inch in length shall be so placed upon each lamp as to be plainly seen from the street; and when such figures are not cut in the glass the paint or other material with which they are marked must be renewed with such frequency as to keep them clear and legible at all times.

6. As it is the duty of police officers to observe the movements of hackney carriages, especially at night, and at all times to see that the rules governing such carriages and their drivers are obeyed, licensed drivers will answer fully and civilly any questions put to them by police officers in the performance of their duty.

7. Every person having charge of a hackney carriage shall at all times carry with him his license, a copy of this rule, and of the rates of fare established by the police commissioner, and shall exhibit them to any passenger or police officer on demand. He shall not

demand from any passenger more than the established rate of fare. When in a public place he shall not refuse, unless previously engaged, or unless the conditions are such as those described in the next succeeding paragraph of this rule, to carry any passenger lawfully entitled to be carried in a hackney carriage. Any person refusing to pay, or attempting to avoid payment of such fare, shall forfeit and pay a fine not exceeding twenty dollars for each offence.

The police commissioner will regard as unsuited to hold a license any driver who gives direction, information or service to a man or a woman seeking a place or a person for immoral purposes, or any driver who offers such direction, information or service. He will regard as unsuited to hold a license any driver who continues to convey from place to place a person who is noisy or otherwise disorderly, or who conveys a person who is intoxicated, even though not disorderly, except directly to the place which the driver has reason to believe is the passenger's house, lodging or other abiding place; but this provision shall not apply to cases in which persons are conveyed by direction of a police officer. When a passenger becomes noisy or otherwise disorderly while in a carriage and persists in such conduct after warning, the driver may appeal to any policeman who shall assist him in any lawful way and, if in possession of the necessary evidence, shall prosecute the offending passenger. The police shall observe with particular care the matters to which this section relates and shall report thereon.

8. Every person having charge of a hackney carriage in a public place shall wear on the left breast of his outside coat, or on the front of its collar just above, the number of his license in Arabic figures not less than one inch in length. The figures must be of one of the patterns approved by the police commissioner and shown at the office of the inspector of carriages. They must be worn upright, and so placed as to be easily read from the front, whether the licensed person be on foot or on

his vehicle. If figures in enamel on a metal plate are used, they must be black, and the enamel must be renewed before the figures become obscure.

9. No person having the charge, care or ordering of any hackney carriage, except an omnibus or a park carriage, shall take up or carry any passenger after the carriage has been occupied or engaged by any prior passenger until such prior passenger shall have discharged said carriage, without the consent of such prior passenger. And such prior passenger shall not be obliged or requested to pay any extra fare or fee for refusing such consent.

10. Every person having charge of a hackney carriage shall immediately after delivering any passenger search said carriage for any property which may have been left therein, and any property found therein by any person having the care or ordering of any hackney carriage, and not restored to the owner thereof within twenty-four hours, shall be delivered by the finder thereof to the inspector of carriages, the finder taking a receipt therefor; and the inspector of carriages shall at once deliver the property to the property clerk of the police department.

11. No person having charge of a hackney carriage shall solicit passengers except by a motion of the hand, nor in any public way or place except when such carriage is rightfully standing upon some special or public stand; nor shall he suffer or allow any person to ride upon the driver's seat of a horse-drawn hackney carriage, except when the seats inside the carriage are fully occupied, and then only when the person so riding is a genuine passenger.

12. No owner, driver or other person having the care or ordering of any licensed hackney carriage shall suffer the same to stop in any street, square, lane or alley of this city more than five minutes, without some proper person to take care of the same, or more than twenty minutes in any case; provided, however, that nothing in this section shall be taken to apply to licensed hackney carriages rightfully standing upon special or public stands.

13. Every driver of any licensed hackney carriage shall remain near to such vehicle while it is unemployed, or standing in the streets or squares of the city, unless he shall be necessarily absent therefrom in the course of his duty and business as such driver; and shall so keep his horse or horses and his carriage or other vehicle that they shall not obstruct said streets or squares or other public passages, or in any other manner violate the law, or the ordinances of the city council, or the regulations of the board of street commissioners.

14. Every person having charge of a hackney carriage shall obey the directions of any police officer respecting the standing of such carriage while waiting for passengers, and the route to be taken in going to or from the place of standing.

15. No person having charge of any hackney carriage shall receive or permit to be placed therein, nor convey in or upon the same, any person sick or infected with any contagious disease, or the body of any person deceased from such disease.

16. The owners and drivers of hackney carriages propelled by mechanical motors shall be subject to all the provisions of the preceding sections of this rule, excepting section 5, and shall be subject also to the following special provisions:

(*a.*) Owners of motor cars who desire to use them as hackney carriages may be licensed, on application, either under the rates and conditions established for motor taxicabs or under those established for public automobiles. An owner of two or more motor cars may be licensed to use specified cars under one or the other classification, and, with the consent of the police commissioner, the classification may be changed from time to time, but no motor taxicab shall be operated otherwise than under the taximeter system; no public automobile shall carry a taximeter or display any attachment which might reasonably be mistaken therefor; and no driver other than the driver of a motor taxicab shall offer his vehicle to the public under any form of

language likely to lead a passenger to believe that he was employing a motor taxicab.

(*b.*) An applicant for a license as owner of a motor hackney carriage shall present for examination in the case of each car a valid certificate of registration issued by the Registrar of Motor Vehicles, the date of which together with the car number shall be entered on the application and also on the license of the police commissioner, if granted.

(*c.*) An applicant for a license to drive a motor hackney carriage shall present for examination a valid license as a chauffeur issued to him by the Registrar of Motor Vehicles, and the date and the number thereof shall be entered on the application and also on the license of the police commissioner, if granted.

(*d.*) Notice in writing shall be given to the police commissioner by licensed owners and chauffeurs, as the case may be, immediately upon any change in residence or employment, or in the place at which a car is kept, or upon any change in the certificate of registration, the license to operate or the car number as issued by the Registrar of Motor Vehicles.

(*e.*) Owners and drivers of motor hackney carriages shall be subject in their equipment and operation to all provisions of the statutes relating to automobiles now or hereafter in effect.

RULE 59.— SIGHT-SEEING AUTOMOBILES AND JITNEYS.

1. The term sight-seeing automobile shall mean an automobile as defined in G. L., c. 90, s. 1, which is capable of seating eight or more persons, and is used or offered for the transportation of passengers for hire. (Acts 1913, c. 592, s. 1.)

2. It shall be unlawful for a person or a corporation to set up a sight-seeing automobile in the city of Boston, or to operate such automobile in a public street in said city as a chauffeur, unless licensed thereto by the police commissioner. (Acts 1913, c. 592, s. 2.)

3. The police commissioner will grant licenses to

suitable persons who are owners of sight-seeing automobiles to set up and use them, and to persons who are qualified as chauffeurs and in other respects to drive and have charge of them. The fees for chauffeurs' licenses shall be the same as those established from time to time by the police commissioner for licenses granted by him to drivers of hackney carriages. The fees for licenses of owners, a separate license for each sight-seeing automobile to be used being required, shall be as follows: For a car designed to carry not more than twelve passengers, ten dollars; for a car designed to carry more than twelve but not more than eighteen passengers, fifteen dollars; for a car designed to carry more than eighteen but not more than twenty-four passengers, twenty-five dollars; and for a car designed to carry more than twenty-four passengers, fifty dollars. (Acts 1913, c. 592, s. 3; Police Rule.)

4. Licenses for owners or chauffeurs of sight-seeing automobiles shall be for a term in each case not exceeding one year, but whenever granted they shall expire annually on the first day of March; and they may be renewed at the discretion of the police commissioner on their expiration or revoked or suspended by him at any time. Any licensee who shall cease to be the owner or the driver of a sight-seeing automobile shall at once surrender his license to the police commissioner. (Acts 1913, c. 592, s. 3; Police Rule.)

5. Applications for licenses to drive sight-seeing automobiles shall be made on forms similar to those furnished to persons applying for licenses to drive hackney carriages, and in addition to the information therein required to be given, an applicant for a license to drive a sight-seeing automobile shall present for examination a valid license as a chauffeur issued to him by the Registrar of Motor Vehicles, and the date and the number thereof shall be entered on the application and also on the license of the police commissioner, if granted. (Police Rule.)

6. Applications for licenses as owners of sight-seeing automobiles shall be signed by the owner or owners

respectively of the automobiles which are to be used. When an application is made by a corporation, it shall be accompanied by a certified copy of the vote of the directors of such corporation authorizing such application to be made. Applicants shall designate in writing their residences, the place at which each car is to be kept, its passenger capacity, its number as assigned by the Registrar of Motor Vehicles, the name of the maker and such further particulars as shall serve for its identification. They shall also present for examination in the case of each car a valid certificate of registration issued by the Registrar of Motor Vehicles, the date of which together with the car number shall be entered on the application and also on the license of the police commissioner, if granted. The value and the actual ownership of each car shall be declared in writing as part of the application. Should the car be subject to a mortgage or mortgages or other incumbrance the applicant shall state the name or names of the mortgagee, mortgagees or persons in whose favor such incumbrances run, together with the amounts of such mortgages or incumbrances in each case; and notice of any change in ownership or of any mortgage or incumbrance placed upon or released or discharged from such car subsequent to the filing of the application shall be given immediately in writing to the police commissioner. (Police Rule.)

7. Notice in writing shall be given to the police commissioner by licensed owners and chauffeurs, as the case may be, immediately upon any change in residence or employment, or in the place at which a car is kept, or upon any change in the certificate of registration, the license to operate or the car number as issued by the Registrar of Motor Vehicles. (Police Rule.)

8. The police commissioner will designate places in the public streets which may be occupied as stands by specified sight-seeing automobiles on the days and within the hours authorized by him. The designation of a stand shall be distinct from the granting of a license to set up a sight-seeing automobile, but no request for

such designation shall be entertained unless preceded or accompanied by an application for such license: *provided, however,* that should an applicant for a license so request in writing, action upon his application may be deferred pending the disposition of his request for a stand. A request for the designation of a particular stand shall be made in writing and shall include a list of all stands, if any, previously assigned at any time by any authority to the person making the request, together with a statement of the periods, with dates, in which each stand so assigned was occupied by a car owned and operated commercially by him, or owned by him and operated by others, or neither owned nor operated by him. The licensed owner of two or more sight-seeing automobiles may keep any one of such automobiles on a stand assigned to him when it is not occupied within the permitted hours by another such automobile owned by him. The police commissioner reserves to himself the right at his discretion to take away, change, modify or reassign any and all privileges in and to assigned stands. (Acts 1913, c. 592, s. 3; Police Rule.)

9. In their use of public streets in the city of Boston otherwise than for designated stands, sight-seeing automobiles and persons operating them as chauffeurs shall be subject to all rules applicable to motor vehicles in general which have been made or shall hereafter be made by the board of street commissioners of said city, and to all rules further restricting the use of such public streets by sight-seeing automobiles or regulating their general conduct or operation which the police commissioner shall from time to time establish. Until otherwise ordered no use shall be made by sight-seeing automobiles of that part of Washington street lying between the southerly line of Winter street extended and the northerly line of Boylston street extended. Except when lawfully occupying a stand no sight-seeing automobile shall remain stationary in a public street for the purpose of receiving or discharging passengers for a longer time than may be necessary to receive or discharge such

passengers as are ready to enter or to alight: *provided* that when a sight-seeing automobile has been engaged to carry a special party of passengers it may await their first entrance for such time as the traffic rules of the board of street commissioners permit motor vehicles to stand at the particular place and time. (Acts 1913, c. 592, s. 4; Police Rule.)

10. No owner of a sight-seeing automobile and no chauffeur or other agent of an owner shall solicit passengers in a public street elsewhere than upon a stand assigned to him, and on such stand only by means which shall be free from noise, disorder or other annoyance to the public or to the persons solicited. (Police Rule.)

11. When passengers have left a sight-seeing automobile at the end of a trip or an engagement, the chauffeur, the owner or an authorized agent of the owner, shall immediately search the car for any property of a passenger which may have been left therein, and any property so found and not restored to the owner thereof within twenty-four hours shall be delivered by the finder to the inspector of carriages, the finder taking a receipt therefor; and the inspector of carriages shall at once deliver the property to the property clerk of the police department. (Police Rule.)

12. Nothing contained in these rules shall be deemed to be contrary to the provisions of chapter 90 of the General Laws, so far as they relate to the licensing of chauffeurs and the registration of motor vehicles, or to be a release of any obligation or penalty prescribed by said act or by acts supplementary thereto or in amendment thereof, or to be contrary to the provisions of the ordinances of the city of Boston or to such rules of the board of street commissioners as apply to motor vehicles in general. (Acts 1913, c. 592, s. 3; Police Rule.)

13. Any person who shall be convicted of setting up or of operating a sight-seeing automobile without the license required by these rules and any person having such license who shall be convicted of a violation of any of these rules may be punished by a fine of not exceeding twenty dollars. (Acts 1913, c. 592, s. 5; Police Rule.)

14. For the purposes of these rules, a jitney shall be deemed a motor vehicle, as defined in s. 1 of c. 90 of the General Laws, operated for the carriage of passengers for hire in such a manner as to afford a means of transportation similar to that afforded by a street railway company. (St. 1916, c. 293, accepted by the City Council July 28, 1919, approved by the Mayor, August 7, 1919; G. L., c. 159, s. 45.)

15. No person, firm or corporation shall engage in the business of operating a jitney upon any public street or way in the city of Boston without first obtaining from the City Council a license to engage in such business, nor except in accordance with the ordinances of the city in respect to jitneys. Such license shall not be valid unless the approval of the mayor has been endorsed thereon in writing. (G. L., c. 159, s. 45; Ordinances of 1919, c. 3, s. 1.)

16. No person shall drive, operate or be in charge of any jitney in any public street, way or place without first obtaining, in addition to the chauffeur's license issued by the Registrar of Motor Vehicles, a special annual license from the Street Commissioners of the city of Boston, nor unless both of said licenses are in force. (C. 3, as amended by c. 4, of the Ordinances of 1919.)

RULE 60.— TRUCKS, WAGONS, ETC.

1. No person or corporation shall set up and use any truck, wagon, dray, cart, sleigh, sled or hand sled, or any other vehicle, except a street car, which shall be used for hire within the city of Boston, for the conveyance from place to place within the said city of wood, coal, lumber, stone, brick, sand, gravel, goods, wares, furniture, merchandise or building materials, unless he or it is licensed thereto by the police commissioner, nor unless such vehicle is marked upon the outside and upon both sides of the same with the name of the owner and the number of the license in plain legible words and figures of not less than one and one-half inches in size, so placed that they may be distinctly seen.

2. The police commissioner will, from time to time, grant licenses to such persons or corporations, and upon such terms as he may deem expedient, to set up and use any such vehicle, as aforesaid, within the city of Boston; and he reserves the right to revoke or suspend such licenses at his discretion. If any person or corporation other than the owner or lessee shall take out a license for any such vehicle, he or it shall be liable to have his or its license revoked; and if any licensee shall cease to be an owner or lessee he or it shall immediately surrender his or its license to the police commissioner. For every license so granted there shall be paid the sum of one dollar for the use of the city.

3. Applications for new licenses under this rule may be filed with the police commissioner at any time, but all licenses issued in accordance therewith shall expire on the first day of July next ensuing. Applications for the renewal of licenses shall be filed with the police commissioner in May or June in each year, and may be issued before the first day of July next ensuing as valid for one year from that date. No license shall be sold or transferred without the consent of the police commissioner.

4. Every applicant shall state in his application whether he desires that the vehicle shall be licensed in a stable or other private premises, with the address given, or at a designated stand in a public street. The application shall be reported upon by the commanding officer of the division in which the stable or other place is situated, or, if it be for a street stand, by the commanding officer of the division in which the proposed stand is situated. Reports shall cover the fitness of the applicant and of the place or the stand to be used, with due regard to the public interest.

5. As the granting of street stands is justified only by the fact that the licensee is a common carrier and the offering of his vehicle in the street for hire is a public convenience, licenses at such stands will be granted only to persons or corporations whose principal business is the transportation by such vehicles for hire of goods, merchandise, etc.

6. The owner of licensed vehicles to whom a street stand or stands have been granted may occupy any such stand with any of his licensed vehicles, provided that at no stand shall the number of vehicles for which it was granted be at any time exceeded. Occupants of the stands shall be held to a strict accountability for the condition of their horses and vehicles, the orderly conduct of their employees, and the cleanliness of the parts of streets which they occupy in so far as they can fairly be held responsible for such cleanliness. The littering of a street in any way by them or by their employees shall be sufficient ground for the revocation of their licenses.

7. The granting of a license for a vehicle to stand in a public street gives to the licensee no further privilege. In all other respects he is subject to all laws, ordinances and regulations affecting vehicles, and must obey them. He is especially to understand that when public convenience requires it a police officer has the right to direct the removal of a vehicle from a stand at which it is licensed in the same manner in which he has the right to direct the removal of any other vehicle in a public street.

8. The person or corporation in whose name a license is taken out for any such vehicle shall, for all the purposes of this rule, be considered as the owner of the same and liable to all the forfeitures and penalties herein contained, unless, upon the sale of any such vehicle, notice thereof be given to the police commissioner and the license returned to him.

9. Any person or corporation violating any provision of this rule shall be liable to a penalty of twenty dollars for each offence.

RULE 61.— DOG LICENSES.

1. Applications for dog licenses shall be received at the station house of the division in which the dog is to be kept, and shall be accompanied by the fee established by law. Applications in emergency cases when accompanied by the license fee may be received by the commanding officer of a police division other than the divi-

sion in which the dog is to be kept. But in such cases and in all cases in which payment is received in cash a written receipt shall be given to the applicant in return for money received; the application with the fee shall be forwarded to the chief clerk within twenty-four hours, except that if the application is made and the license fee paid, on a Sunday or legal holiday, the application, with the fee, shall be forwarded to the chief clerk on the next regular business day; and a receipt for the license fee shall be taken from the chief clerk and kept on file at the station house at which the application was received.

2. Commanding officers shall fill out and countersign licenses and forward the same to the chief clerk daily by the morning mail. Licenses, after they have been signed by the police commissioner, shall be returned to the divisions from which they were sent, for delivery to the licensees. Commanding officers shall be charged with the number of signed licenses returned to them, and shall account therefor.

3. The commanding officer of each division shall keep a record of all dog licenses issued upon his division, containing the names of the keepers or owners of dogs so licensed, and the names, registered numbers and descriptions of all such dogs. The commanding officer of each division shall also keep a record of all dog licenses transferred, in accordance with G. L., c. 140, s. 146.

4. Amounts collected for fees shall be forwarded on the first day of each month to the chief clerk, who shall receipt therefor. Commanding officers shall preserve these receipts as their vouchers.

5. The inspector of claims is hereby designated as the officer of police of the city of Boston who shall receive the informations and do the acts specified in G. L., c. 140, ss. 161-165.

Appendix to Rule 61; Statutes.

The owner or keeper of a dog which is three months old or over shall annually, on or before March thirty-first, cause it to be registered, numbered, described and licensed

for one year from the first day of April following, if the dog is kept in Boston, in the office of the police commissioner, or if kept in any other town, in the office of the clerk thereof.

The license shall be subject to the condition expressed therein that the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing sheep, lambs, fowls or other domestic animals. The owner or keeper of a licensed dog shall cause it to wear around its neck a collar distinctly marked with its owner's name and its registered number. (G. L., c. 140, s. 137.)

The owner or keeper of a dog may at any time have it licensed until the first day of April following; and a person who becomes the owner or keeper of a dog after April first which is not duly licensed, and the owner or keeper of a dog not duly licensed, which becomes three months old after March thirty-first in any year, shall, when it is three months old, cause it to be registered, numbered, described, licensed and collared. (G. L., c. 140, s. 138.)

The fee for every such license shall, except as provided in section 173 of said chapter 140, be two dollars for a male dog, and five dollars for a female dog, unless a certificate of a registered veterinarian who performed the operation is filed with the clerk of the city or town that said female dog has been spayed and is thereby deprived of the power of propagation, in which case the fee shall be two dollars. A certified copy of such certificate, on file in the office of any city or town clerk within the Commonwealth, may be accepted as evidence that the said operation has been performed. (G. L., c. 140, s. 139.)

The owner or keeper of dogs kept for breeding purposes may receive annually a license authorizing him to keep such dogs upon the premises described in the license. If the number of dogs so kept does not exceed five, the fee for such license shall be twenty-five dollars, and if the number of dogs exceeds five, the fee shall be fifty dollars, and no fee shall be required for the dogs of such owner

or keeper under the age of six months. The provisions of G. L., c. 140, ss. 137, 138 and 139, shall not apply to licenses under the provisions of this section. (G. L., c. 140, s. 140.)

Every license issued to the owner of a dog shall have printed thereon a description of the symptoms of hydrophobia. Said description shall be supplied by the secretary of the state department of public health to the clerks of the several towns upon application therefor. (G. L., c. 140, s. 145.)

A license duly recorded shall be valid throughout the Commonwealth, and may be transferred with the dog licensed thereunder; but after thirty days from such transfer it shall be again recorded, if the dog is kept in Boston, by the police commissioner, or if kept in any other city or town, by the clerk thereof. (G. L., c. 140, s. 146.)

No person shall keep or have in his care or possession any bloodhound, excepting an English bloodhound of pure blood whose pedigree is recorded or would be entitled to record in the English bloodhound herdbook, or any dog classed by dog fanciers or breeders as Cuban bloodhound or Siberian bloodhound, whether such dog is in whole or in part of said species, unless such dog be kept solely for exhibition. In such case, he shall at all times be kept securely enclosed or chained, and shall not be allowed at large even though in charge of a keeper, unless properly and securely muzzled. (G. L., c. 140, s. 142.)

For further provisions as to dogs and damages done by dogs and authorized destruction of certain dogs, see G. L., c. 140, ss. 147–175.

RULE 62.— PAWNBROKERS.

[Certified to be "to the satisfaction of the Commissioner of Banks," as provided by G. L., c. 140, s. 78.]

1. The police commissioner will, upon petition, license suitable persons to be pawnbrokers, pursuant to law. Such licenses shall not be valid to protect the holders thereof in a building or place other than that

designated in the license, unless consent to removal is granted by the police commissioner.

Applications for such licenses shall be examined and reported upon by the officer in command of the Bureau of Criminal Investigation and by the commanding officers of divisions in which it is proposed that the business shall be carried on.

Applications for new licenses under this rule may be filed at any time. Applications for the reissue of licenses already existing should be filed at least thirty days before the expiration of such licenses. All licenses issued under this rule shall expire annually on the first day of May, except that licenses may be issued in April to be valid for twelve months beginning the next succeeding first day of May. Persons whose licenses have expired and have not been reissued will be liable to prosecution if carrying on the business for which the license is required.

The fee for a pawnbroker's license or renewal thereof shall be fifty dollars, but if a license is issued on or after November first in any year, the fee for such license shall be twenty-five dollars.

Every person so licensed shall, at the time of receiving such license, file a bond as provided in section 77 of chapter 140 of the General Laws; Police Rule.

When a licensee has failed to use his license for a period of thirty days in the business and at the place for which he was licensed, the division commander will so report with such reasons for the failure as the licensee may give. (Police Rule.)

Persons who engage in or carry on the business of lending money upon mortgages, deposits or pledges of wearing apparel, jewelry, ornaments, household goods or other personal property, or of purchasing such property on condition of selling the same back again at a stipulated price, when the property so mortgaged, pledged or purchased is deposited with the lender, must be licensed as pawnbrokers. This provision, however, does not apply to loans made upon stock, bonds, notes or other

written or printed evidences of ownership of property or of indebtedness to the holder or owner of any such securities. (G. L., c. 140, s. 76.)

2. Licensed pawnbrokers may charge such rates of interest as the commissioner may from time to time prescribe.

No such pawnbroker shall charge or receive any greater rate of interest, and interest shall be reckoned on the precise sum advanced by the lender.

No such pawnbroker shall make or receive any extra charge or fee for storage, care or safe-keeping of any goods, article or thing pawned with him; nor shall any such pawnbroker purchase any goods, article or thing upon condition of selling the same back again at a stipulated price. (G. L., c. 140, s. 78; Police Rule.)

3. Any officer of the department may, at any time, enter upon any premises used by a licensed pawnbroker for the purposes of his business, ascertain how he conducts his business and examine all articles taken in pawn or kept or stored in or upon said premises and all books and inventories relating thereto, and all such articles, books and inventories shall be exhibited to any such officer whenever a demand shall be made for such exhibition.

4. Every licensed pawnbroker shall, at the time of making any loan, attach a number to the article taken in pawn, and shall make entry of such number in the book provided for by section 5. (Police Rule.)

5. Every licensed pawnbroker shall keep a book of a style and size to be approved by the police commissioner, in which shall be legibly written in the English language, at the time of making each loan, an account and description, including all distinguishing marks and numbers, of the goods, articles or things pledged or pawned, the amount of money loaned thereon, the day and hour when it was pawned, the rate of interest to be paid on such loan, the number of such article as provided for by section 4, and the name, age and residence of the person pawning the same. No entry made in said book shall be erased, obliterated or defaced. (G. L., c. 140, s. 79; Police Rule.)

6. Every such pawnbroker shall, at the time of making such loan, deliver to the person who pawns or pledges any goods, article or thing, a memorandum or note signed by him, containing the substance of the entry required to be made in his book by the provisions of the preceding section; and no charge shall be made or required by any pawnbroker for any such entry, memorandum or note. (G. L., c. 140, s. 80; Police Rule.)

7. Every licensed pawnbroker shall make out and deliver to the commanding officer of the division in which his place of business is situated, every day before the hour of 10 o'clock A.M., a legible and correct list containing an accurate description, including all distinguishing marks and numbers, of all articles taken in pawn during the preceding business day, the respective numbers of such articles as provided by section 4, the amount loaned thereon, the time when such articles were pawned. If during the preceding business day no articles have been taken in pawn by such pawnbroker, he shall make out and deliver to the commander of the division in which his place of business is situated, before the hour of 10 o'clock A.M., a report of such fact. Said list or report shall be forwarded to headquarters daily. (G. L., c. 140, s. 79; Police Rule.)

8. Every licensed pawnbroker shall post in a conspicuous place in his shop or office a copy of the statutes, ordinances and police regulations relating to pawnbrokers, to be furnished by the police department, and shall put in some suitable and conspicuous place on his shop a sign having his name and occupation legibly inscribed thereon in large letters.

No pawnbroker shall place or maintain any signs or devices upon or in connection with his licensed premises indicating or tending to indicate that any form of business is conducted therein which he is not legally authorized to pursue. (Police Rule.)

9. No pawnbroker shall have his shop open for the transaction of business, except between sunrise and

9 o'clock in the evening of any week day except Saturday, on which day such shop may be kept open from sunrise until 10 o'clock in the evening. (Police Rule.)

10. Articles deposited in pawn with a licensed pawnbroker shall, unless redeemed, be retained by him on the premises occupied by him for his business for at least four months after the date of deposit, if not of a perishable nature, and if perishable, for at least one month after said date. After such date he may sell the same by public auction, apply the proceeds thereof in satisfaction of the debt or demand and the expenses of the notice and sale, and pay any surplus to the person entitled thereto on demand. No article taken in pawn by such pawnbroker, exceeding twenty-five dollars in value, shall be disposed of otherwise than as above provided, any agreement or contract between the parties thereto to the contrary notwithstanding. Articles of personal apparel shall not be deemed to be of a perishable nature within the meaning of this section. (G. L., c. 140, s. 71.)

11. No pawnbroker shall make a loan, directly or indirectly, to a minor, knowing or having reason to believe him to be such.

12. Licenses provided for by this rule may be revoked by the police commissioner at pleasure. (G. L., c. 140, s. 70.) Such licenses will be revoked for violation of any statute, ordinance or police rule relating to the business of the licensee, for failure of the licensee to carry on the business at the place designated in his license, or for any other cause deemed sufficient by the police commissioner.

(*Appendix to Rule 62; Lost or Stolen Property.*)

When lost or stolen property is located by the police in a pawnshop it is the custom, if notice has been given by the owner of the loss of his property, to notify such owner of the place in which his property is in pawn. The question is then raised as to the obligations of the police with reference to the owner of the property, the pawnbroker, and the property itself.

If a person is arrested charged with the larceny of the property which has been pawned, the procedure is in accordance with G. L., c. 266, s. 48, by the terms of which the officer is in substance required to seize the property wherever it may be found and to restore it to the owner upon the conviction of the thief, or in the event of his forfeiting bail or escaping while awaiting trial or while under arrest. In such case the owner of the property receives it without reimbursing the pawnbroker.

In other cases the authority of the police over the pawnbroker lies only in the fact that his business is operated under a license issued by the police commissioner. If he has acted in good faith in receiving the pawn and has advanced his money innocently, the owner is informed that the pawnbroker in so doing has not violated the terms of his license, and that the fact of ownership, a purely civil question, will not be entered into by the police. The claimant is further informed that the law through a writ of replevin in case the property exceeds twenty dollars in value, and otherwise by means of a suit for conversion, will enable him to recover either his property or its value without regard to the amount advanced by the pawnbroker, and without intervention by the police, should he not wish to resort to either of these two methods which are open to him, his only remaining remedy, failing to obtain peaceable possession, is in paying to the pawnbroker the amount advanced by him. Should he desire to do this last, the pawnbroker receives notice from the police that the request of the police to hold the property is withdrawn.

RULE 63. — DEALERS IN SECOND-HAND ARTICLES.

1. The police commissioner will, upon petition, license suitable persons to be dealers in second-hand articles and keepers of shops for the purchase, sale or barter of such articles, pursuant to law. Such licenses shall not be valid to protect the holders thereof in a building or place other than that designated in the license unless consent to removal is granted by the police commis-

sioner, nor shall any such license authorize the licensee to bring or allow to remain upon the licensed premises any rags, old paper, junk or other refuse material gathered or recovered from any source. Applications for such licenses shall be examined and reported upon by the officer in command of the Bureau of Criminal Investigation and by the commanding officer of the division in which it is proposed that the business shall be carried on. The examining officers shall report whether the applicant wishes to engage in a general second-hand business or in a special stated line; whether or not he is of good reputation, is a citizen of the United States, can read and write the English language intelligibly, has ever held a similar license and if such license was revoked, suspended or surrendered, the reason therefor. Applications for new licenses under this rule may be filed at any time. Applications for the reissue of licenses already existing should be filed at least thirty days before the expiration of such licenses. All licenses issued under this rule shall expire annually on the first day of May except that licenses may be issued in April to be valid for twelve months beginning the next succeeding first day of May. Persons whose licenses have expired and have not been reissued will be liable to prosecution if engaging in any business for which the license is required. (G. L., c. 140, ss. 54, 202-205; Rev. Ords. of 1914, c. 39, s. 1; Police Rule.)

When a licensee has failed to use his license for a period of thirty days in the business and at the place for which he was licensed, the division commander will so report with such reasons for the failure as the licensee may give. (Police Rule.)

2. Every such shopkeeper shall keep a book in which shall be written, at the time of every purchase of any such article, a description thereof and the name, age and residence of the person from whom, and the day and hour when, such purchase was made; and such book shall at all times be open to the inspection of the mayor, the city council, the police commissioner, or of any

person authorized by the mayor, or board of aldermen, or police commissioner, to make such inspection. (Rev. Ords. of 1914, c. 39, s. 2.)

Such book shall be of a size and style to be approved by the police commissioner, shall be legibly written in the English language, and shall show the amount paid for each article and the number attached to each article in accordance with section 4. No entry in such book shall be erased, obliterated or defaced. (Police Rule.)

3. Every such shopkeeper shall allow his shop and all articles of merchandise therein to be at all times examined by the mayor and city council, or the police commissioner, or by any person by them or him respectively authorized to make such examination. (Rev. Ords. of 1914, c. 39, s. 2.)

4. Every such shopkeeper shall, at the time of making any purchase, attach a number to each article bought, and shall make entry of such number in the book provided for by section 2. (Police Rule.)

5. Every such shopkeeper shall make out and deliver to the commanding officer of the division in which his place of business is situated, every day before the hour of 10 o'clock A.M., a legible and correct list containing an accurate description of all articles purchased during the preceding business day, the respective numbers of such articles as provided by section 4, the prices paid therefor, the time when such articles were purchased. If during the preceding business day no articles have been purchased by such shopkeeper, he shall make out and deliver to the commanding officer of the division in which his place of business is situated, before the hour of 10 o'clock A.M., a report of such fact. Said list or report shall be forwarded to headquarters daily. (Police Rule.)

6. Every such shopkeeper shall post in a conspicuous place in his shop a copy of the statutes, ordinances and police regulations relating to dealers in second-hand articles, to be furnished by the police department (Police Rule), and shall put in some suitable and conspicuous

place on his shop a sign having his name and occupation legibly inscribed thereon in large letters. (Rev. Ords. of 1914, c. 39, s. 3.)

No such shopkeeper shall place or maintain any signs or devices upon or in connection with his licensed premises indicating or tending to indicate that any form of business is conducted therein which he is not legally authorized to pursue. (Police Rule.)

7. No such shopkeeper shall permit to be sold any article purchased or received by him until at least a period of one week from the date of its purchase or receipt has elapsed. (Rev. Ords. of 1914, c. 39, s. 4.)

8. No such shopkeeper shall have his shop open for the transaction of business, nor shall he purchase any second-hand articles, except between sunrise and 9 o'clock in the evening of any week day except Saturday, on which day such shop may be kept open and such articles purchased from sunrise until 10 o'clock in the evening. (Rev. Ords. of 1914, c. 40, s. 90, as amended by c. 1 of the Ordinances of 1918; Police Rule.)

9. No such shopkeeper shall directly or indirectly purchase or receive by way of barter or exchange any junk, old metals or second-hand articles from a minor or apprentice, knowing or having reason to believe him to be such. (Rev. Ords. of 1914, c. 40, s. 90, as amended by c. 1 of the Ordinances of 1918.)

10. The possession by any dealer in second-hand articles of certain registered vessels, without the written consent of or purchase from the owner thereof, shall be *prima facie* evidence of unlawful use, possession of or traffic in the same. (G. L., c. 110, s. 19.)

11. Licenses provided for by this rule may be revoked by the police commissioner at pleasure. (G. L., c. 140, s. 54.)

Such licenses will be revoked for violation of any statute, ordinance or police rule relating to the business of the licensee, for failure of the licensee to carry on the business at the place designated in his license, or for any other cause deemed sufficient by the police commissioner.

RULE 64.— JUNK SHOPKEEPERS.

1. The police commissioner will, upon petition, license suitable persons to be dealers in old metals and junk and keepers of shops for the purchase, sale or barter of such articles, pursuant to law. Such licenses shall not be valid to protect the holders thereof in a building or place other than that designated in the license, unless consent to removal is granted by the police commissioner. Applications for such licenses shall be examined and reported on by the officer in command of the Bureau of Criminal Investigation and by the commanding officer of the division in which it is proposed that the business shall be carried on. Examining officers shall report whether or not the applicant is of good reputation, is a citizen of the United States, can read and write the English language intelligibly, and has ever held a similar license and if such license was revoked, suspended or surrendered, the reason therefor. Applications for new licenses under this rule may be filed at any time. Applications for the reissue of licenses already existing should be filed at least thirty days before the expiration of such licenses. All licenses issued under this rule shall expire annually on the first day of May except that licenses may be issued in April to take effect on May first following. Persons whose licenses have expired and have not been reissued will be liable to prosecution if engaging in any business for which the license is required. (G. L., c. 140, ss. 54, 202-205; Rev. Ords. of 1914, c. 39, s. 1; Police Rule.)

When a licensee has failed to use his license for a period of thirty days in the business and at the place for which he was licensed, the division commander will so report with such reasons for the failure as the licensee may give. (Police Rule.)

2. Every such shopkeeper shall keep a book, in which shall be written, at the time of every purchase of any such article, a description thereof, and the name, age and residence of the person from whom, and the day and hour when, such purchase was made; and such

book shall at all times be open to the inspection of the mayor, the city council, the police commissioner, or of any person authorized by the mayor or city council or the police commissioner to make such inspection. (Rev. Ords. of 1914, c. 39, s. 2.)

Such book shall be of a size and style to be approved by the police commissioner, shall be legibly written in the English language, and shall show the amount paid for each article. No entry in such book shall be erased, obliterated or defaced. (Police Rule.)

3. Every such shopkeeper shall allow his shop and all articles of merchandise therein to be at all times examined by the mayor and city council or the police commissioner, or by any person by them or him respectively authorized to make such examination. (Rev. Ords. of 1914, c. 39, s. 2.)

4. Every such shopkeeper shall post in a conspicuous place in his shop a copy of the statutes, ordinances and police regulations relating to dealers in old metals and junk, to be furnished by the police department (Police Rule), and shall put in some suitable and conspicuous place on his shop a sign having his name and occupation legibly inscribed thereon in large letters. (Rev. Ords. of 1914, c. 39, s. 3.)

No such shopkeeper shall place or maintain any signs or devices upon or in connection with his licensed premises indicating or tending to indicate that any form of business is conducted therein which he is not legally authorized to pursue. (Police Rule.)

5. No such shopkeeper shall permit to be sold any article purchased or received by him until at least a period of one week from the date of its purchase or receipt has elapsed. (Rev. Ords. of 1914, c. 39, s. 4.)

6. No such shopkeeper shall have his shop open for the transaction of business, nor shall he purchase any old metals or junk, except between sunrise and 9 o'clock in the evening of any week day except Saturday, on which day such shop may be kept open and such articles purchased from sunrise until 10 o'clock in the evening.

Nor shall he allow on his licensed premises smoking or any other practice involving danger of fire. (Rev. Ords. of 1914, c. 40, s. 90, as amended by c. 1 of the Ordinances of 1918; Police Rule.)

7. No such shopkeeper shall directly or indirectly purchase or receive by way of barter or exchange any junk, old metals or second-hand articles from a minor or apprentice, knowing or having reason to believe him to be such. (Rev. Ords. of 1914, c. 40, s. 90, as amended by c. 1 of the Ordinances of 1918.)

8. No rags, old paper, junk or other refuse material gathered or recovered from any source shall be brought into or allowed to remain within any building used as a dwelling.

(Regulation of the Board of Health, January 21, 1901.)

Penalty for violation of such regulation, G. L., c. 111, s. 122.

9. The possession by a junk dealer of certain registered vessels, without the written consent of or purchase from the owner thereof, shall be *prima facie* evidence of unlawful use, possession of or traffic in the same. G. L., c. 110, s. 19.)

10. Licenses provided for by this rule may be revoked by the police commissioner at pleasure. (G. L., c. 140, s. 54.)

Such licenses will be revoked for violation of any statute, ordinance or police rule relating to the business of the licensee, for failure of the licensee to carry on the business at the place designated in his license, or for any other cause deemed sufficient by the police commissioner.

RULE 65.— JUNK COLLECTORS.

1. The police commissioner will, upon petition, license suitable persons, residents of Boston, to be junk collectors, to collect, by purchase or otherwise, junk, old metals and second-hand articles from place to place in the city of Boston, pursuant to law. Applications for such licenses shall be examined and reported upon by the commanding officer of the division in which the

applicant has his place of abode. Applications for new licenses under this rule may be filed at any time. Applications for the reissue of licenses already existing should be filed at least thirty days before the expiration of such licenses. All licenses issued under this rule shall expire annually on the first day of May except that licenses may be issued in April to be valid for twelve months beginning the next succeeding first day of May. Persons whose licenses have expired and have not been reissued will be liable to prosecution if engaging in any business for which the license is required. (G. L., c. 140, ss. 54, 56, 75, 202, 203; Rev. Ords. of 1914, c. 39, s. 1; Police Rule.)

2. No person will be licensed to be a junk collector unless he is a citizen of the United States, or unless he has declared on oath, as required by the Revised Statutes of the United States, that it is his *bona fide* intention to become a citizen of the United States, and can speak and understand the English language. (Police Rule.)

3. Every junk collector when engaged in collecting, transporting or dealing in junk, old metals, or second-hand articles, shall wear upon the front of his hat a celluloid or metal badge not less than three inches square, on which shall be legibly inscribed, in Arabic figures not less than one inch in height, the number of his license, in Roman letters not less than three-eighths of an inch in height the words "Licensed Junk Collector," and the words "Until May 1," with the figures of the current license year in Roman letters and Arabic figures not less than five-eighths of an inch in height; and he shall have a badge or sign of celluloid or metal not less than ten inches long and three and three-fourths inches wide with the words "Licensed Junk Collector" in Roman letters not less than one inch in height and the number of his license in Arabic figures not less than two inches in height inscribed thereon in white on a dark ground or in black on a light ground on each side of any vehicle in use by him in his business in such a position as to be easily seen and read.

When a junk shopkeeper who is licensed in Boston sends his own wagons marked with his name and otherwise properly identified to collect junk from the shops of other licensed junk dealers, but not from the public, the drivers of the wagons are not required to have individual licenses as junk collectors.

Every junk collector who pursues his calling by water shall have painted on the stern of his boat his license number, the figures to be Arabic, not less than four inches in height and white on a dark background. (Police Rule.)

4. No junk collector shall purchase on land any junk, old metal or second-hand articles, except between sunrise and 9 o'clock in the evening of any week day except Saturday, on which day he may purchase such articles from sunrise until 10 o'clock in the evening; and on the water no junk collector shall so purchase except between sunrise and sunset. (Rev. Ords. of 1914, c. 40, s. 90, as amended by c. 1 of the Ordinances of 1918; Police Rule.)

5. No such junk collector shall directly or indirectly purchase or receive by way of barter or exchange any junk, old metals or second-hand articles from a minor or apprentice, knowing or having reason to believe him to be such. (Rev. Ords. of 1914, c. 40, s. 90, as amended by c. 1 of the Ordinances of 1918.)

6. No rags, old paper, junk or other refuse material gathered or recovered from any source shall be brought into or allowed to remain within any building used as a dwelling.

(Regulation of the Board of Health, January 21, 1901.)

Penalty for violation of such regulation, G. L., c. 111, s. 122.

7. The possession by a junk collector of certain registered vessels, without the written consent of or purchase from the owner thereof, shall be *prima facie* evidence of unlawful use, possession of or traffic in the same. (G. L., c. 110, s. 19.)

8. Licenses provided for by this rule may be revoked by the police commissioner at pleasure. (St. 1900, c. 416, s. 1; G. L., c. 140, s. 54.)

Such licenses will be revoked for violation of any statute, ordinance or police rule relating to the business of the licensees, or for any other cause deemed sufficient by the police commissioner.

9. Whoever, not being so licensed, is such dealer or junk collector in such city or town, or, being licensed, is such dealer or junk collector in any other place or manner than that designated in his license, or after notice to him that his license has been revoked, shall forfeit twenty dollars for each offence; and whoever violates any rule, regulation or restriction contained in his license shall forfeit not more than twenty dollars for each offence. (G. L., c. 140, s. 55; Police Rule.)

RULE 66.— MUSIC IN PUBLIC STREETS.

1. Except as hereinafter provided no person shall play on a musical instrument in a street unless licensed so to do by the police commissioner. For the purposes of this rule the word "street" shall include, as defined in the ordinances of the city of Boston, "all public ways, alleys, lanes, courts and sidewalks, and those parts of public squares and places which form traveled parts of highways"; but it is to be understood that as the parks and public grounds are under the control of the city authorities no person, whether licensed by the police commissioner or not, has a legal right to play on a musical instrument in any of those places without a special permit from such authorities.

2. Under the statutes of the Commonwealth funeral or military parades by certain organizations are specifically authorized, and musicians forming parts of such parades when lawfully held are not required to be licensed. Some of the organizations whose accompanying musicians are thus exempted are as follows:

Land and naval forces of the United States.

Massachusetts Volunteer Militia.

Ancient and Honorable Artillery Company of Boston.
State Guard.

Associations wholly composed of persons honorably discharged from the army or navy of the United States.

Students in educational institutions in which military science is a prescribed part of the course of instruction, when parading under the superintendence of their teachers.

Members of schools for military instruction conducted with the approval of the Governor, when parading under the supervision of their instructors.

Like exemption from the requirement of license is given to musicians taking part in a concert, parade or celebration given by or under the direction of the Commonwealth of Massachusetts or the city of Boston.

For these and other exemptions, see G. L., c. 33, s. 64.

COLLECTIVE LICENSES.

3. In order that they may lawfully furnish music for persons or organizations not exempt as stated in section 2, the police commissioner will grant on application and at his discretion collective licenses for bands of persons, whether licensed individually or not, to play on musical instruments in the streets at specified times and places. The name of the leader of the band or of the person who is to be in charge thereof, and of the organizations to be accompanied, the number of musicians, and the proposed time and route shall be given in the application. A license, when granted and in use, shall be held ready by the person in charge of the band at the time for inspection by any police officer who may request that it be shown to him; and in addition to the general authority conferred upon division commanders by section 13 of this rule, it is further ordered that when a police officer notifies the person in charge of the band that the parade or procession in which he is licensed to play is violating any statute, ordinance or lawful regulation, he and all other persons authorized under his license shall at once cease to play and shall not again play in such parade or procession unless notified by the same police officer that the violations have been discontinued.

INDIVIDUAL LICENSES.

4. The police commissioner will grant licenses to play on musical instruments in the streets to suitable persons more than fifteen years of age whose usual or principal occupation is that of an itinerant musician. A person desiring a license as an itinerant musician shall file at the office of the chief clerk an application therefor, including his name, address and such other information as may be required. Should the license be granted and should the licensee change his address while the license is in force, he shall immediately notify the police commissioner of the change. The fee for such license shall be one dollar and the license shall expire on the first day of September next following its date.

5. No licensed itinerant musician, except when lawfully parading in accordance with the provisions of section 6, shall play on a musical instrument in any public street on Sunday; nor within five hundred feet of any school house; nor within three hundred feet of any other building after he has been notified to desist by a police officer or an occupant of such building; nor in a public street in any part of the city between nine P.M. and nine A.M.; nor at any time except between six P.M. and nine P.M. in the territory, including the boundary streets or parts of streets, inclosed as follows: Beginning in Bay State road at the intersection of Chilmark street, thence through Bay State road, Beacon, Somerset, Howard, Court, Sudbury, Portland, Causeway, Commercial streets, Atlantic avenue, Kneeland, Washington, Hollis, Tremont, Eliot streets, Park square, Columbus avenue, Dartmouth street, Huntington avenue, Hemenway, Boylston streets, Brookline, Commonwealth avenues, Chilmark street to point of beginning.

6. No licensed itinerant musician shall play on a musical instrument in a street as part of any procession or parade for which the accompanying musicians are required to be licensed, unless such licensed itinerant musician is included in a band for which a collective musicians' license has been granted.

7. Except when accompanying a parade or procession in accordance with the provisions of section 6, a licensed itinerant musician when playing on a musical instrument in a street shall wear upon the left breast of his outside garment a badge bearing his license number to be supplied by the police commissioner. He shall also, when playing on a street piano or organ, display his license number conspicuously on the right-hand upper outside corner of the instrument.

8. Every street piano or organ shall be accompanied, while in use in a public street, by at least one adult male licensed itinerant musician. A female licensed itinerant musician shall not play on a musical instrument in a street unless she is accompanied by an adult male licensed itinerant musician. Licensed itinerant musicians and persons accompanying them are forbidden to ring doorbells, knock at doors, or enter stores or buildings for the purpose of soliciting money.

9. All street pianos and organs used by licensed itinerant musicians shall be presented twice annually, in April and September, to the police officer or other person designated by the police commissioner to examine the condition of such instruments; and when the condition of an instrument is found by him to be unsatisfactory it shall not be again used in public until he shall have approved it.

10. A licensed itinerant musician shall not permit a musical instrument owned or controlled by him to be used in a street or to be taken into a street for use in violation of any of the provisions of this rule.

11. He shall not carry and shall not display upon his instrument any advertisement or any special appeal for money, nor shall he go about with his instrument in the company of any person carrying such advertisement or presenting such appeal.

12. Every licensee provided for by this rule shall at all times have his license with him, and shall exhibit the same at the request of any police officer. The police will require itinerant musicians who are unknown to

them to exhibit their licenses and will promptly prosecute all unlicensed persons.

SUSPENSION, REVOCATION, PENALTY.

13. All licenses provided for in this rule may be revoked or suspended by the police commissioner without notice or stated cause, and in case of revocation no portion of the fee provided for in section 4 shall be refunded. All licensees shall obey the order of a police officer in command of a division to refrain from playing on a musical instrument in the public streets pending written charges to be preferred by him to the police commissioner.

14. Any person violating any of the provisions of this rule shall be liable to a fine not exceeding twenty dollars for each offence.

[NOTE.— The regulation of singing in the streets is not directly within the authority of the police commissioner, but in general it may be regulated, when necessary, in the same manner as public speaking in the streets.]

PARADES AND PROCESSIONS.

The authority to regulate the formation and passage of parades and processions in and through the public streets is conferred by law upon the board of street commissioners, and the following is the rule of the board as contained in Article 9 of the street traffic regulations of 1920.

SECTION 1.— No procession or parade, containing two hundred or more persons (excepting the forces of the United States army or navy, the military forces of the Commonwealth and the Police and the Fire Departments) shall occupy or march on any public street of the city except in accordance with permit issued by the Board of Street Commissioners. Said permit shall designate the time and place of formation of such procession or parade and the streets through which it is to pass, and the chief officer or person in charge of said procession or parade shall be held responsible and liable for any deviation from the conditions set forth in said permit.

SECT. 2.— Before a permit is issued for a procession or parade containing two hundred or more persons, written notice of the object, time

and route of the same shall be filed with the said Board of Street Commissioners at least twelve hours before the time fixed for the formation of such procession or parade.

SECT. 3.— All processions or parades, accompanied by music, containing less than two hundred persons may, on the music permit issued by the Police Commissioner, march on any public street of the city. Such procession or parade shall march to the right of the street next to the curb and shall not occupy more than half the width of the street through which it is passing, and the free passage of the street railway cars shall not be interfered with or obstructed by the formation, halting or marching of any such procession or parade or the persons composing it.

RULE 67.—LOST CHILDREN.

1. When notice is received at a station house that a child has been lost, the officer in charge shall at once telephone a description of the child to headquarters and in so far as practicable furnish like information to officers of the division who are on patrol. The officer in charge at headquarters shall telephone the description to all other station houses. Should the notice be first received at headquarters the officer in charge shall notify all station houses as above provided.

2. When an officer finds a child that is lost he shall cause it to be taken to the residence of its parents, if known, and within the bounds of his route; otherwise to the station house.

3. The officer in charge of a station house to which a lost child comes or is brought shall enter its description upon the journal together with a note of the time and place when and where it was found, and such other particulars as may serve to identify it; and shall forthwith telephone the description to headquarters.

4. Should a child be identified while in his care he shall telephone the fact to headquarters, and by means of his own or through headquarters shall cause the earliest possible notice to be sent to the parents.

5. If the child shall remain without being claimed or identified until eight o'clock in the evening of the day in which it came into the station house, it shall be sent to the Charity building, Chardon street, with a statement as to when and where it was found, and all other facts which may serve to identify it.

6. In following and supplementing the foregoing directions all members of the force are to understand that once the safety and comfort of the lost child have been assured their paramount obligation is to relieve at the earliest possible moment the anxiety of its parents, and that they are to employ such means of communication and transportation as shall best accomplish that purpose.

ORDER OF THE POLICE COMMISSIONER.

OFFICE OF THE POLICE COMMISSIONER
FOR THE CITY OF BOSTON,
JUNE 3, 1921.

Ordered, That the foregoing rules and regulations for the government of the police department of the city of Boston be adopted, to take effect on a day to be hereafter designated by general order, when all rules and parts of rules inconsistent therewith shall be repealed; provided, however, that the establishment or provisions of the foregoing rules and regulations shall not affect any act done or omitted, or any liability, punishment or penalty incurred under any previously existing rule, regulation or order; and the provisions of the foregoing rules, so far as they are the same as those of existing rules or orders, shall be construed as a continuation thereof, and not as new rules.

Attest:

THOMAS RYAN,
Chief Clerk.

APPENDIX.

"DANCE HALLS."

[*From a Special Publication on Sexual Vice Prepared by the Police Commissioner in 1912.*]

When a resident of any large city other than Boston reads of a "dance hall," he figures to himself a place in which women, employed for the purpose, entertain men who come in from the street, a liquor bar and convenient private rooms being at their service, and the division of the entertainment being five minutes of dancing to half an hour of drinking. Or in another city it may mean this or perhaps a saloon with dancing in a rear or a side room or in a hall above, the dancing place and the dancing carried on therein being in any case in close relations with a bar and the sale of liquor.

Contrary to the belief of many, even of our own people, no such "dance hall," or any place remotely resembling it, and no saloon with an accompaniment of dancing, has existed in Boston at any time in the past thirty years. When Boston had but a third of its present population, and when the sale of liquor was wholly unregulated, dozens of such "dance halls" were in continuous and undisguised operation.

At the present time no dancing or other entertainment can be given in a place in Boston which the statutes declare to be a public hall without a license from the mayor. This license may be for a year, covering all entertainments within that period, or it may be for a single entertainment. In either case, and no matter where or what the hall may be, the manner in which the license is issued and the conditions prescribed on its face are the same. It is therefore true that Symphony Hall or Copley Hall equally with the poorest public hall in the most obscure part of the city may be called a "dance hall."

The proprietor or the manager of a hall applies to the mayor on a printed form for a license. The application is referred to the police commissioner and by him to the captain of the division in which the hall is situated. The captain indorses upon it his approval or disapproval, in the latter case with his reasons, and returns it to the commissioner who forwards it to the mayor, approved or disapproved in accordance with the captain's report. In either case the mayor has full power, the action of the police being merely advisory; but in no instance within my knowledge has a mayor of Boston granted a license contrary to the sustained objection of the police.

In the great majority of cases, the halls being entirely respectable, the approval of the police is given without reserve. But when a hall has a record of disorder or indecency or the character of the entertainments proposed to be given is likely to produce such conditions the captain so reports. Sometimes the objection is met by a change of managers or of hall arrangements or by an agreement that regular policemen shall be present at all entertainments; and sometimes even when a license for a year is refused, licenses for single entertainments by particular organizations may be issued from time to time. Halls of this character are watched constantly by the police and at times on their recommendation an annual license actually in force is revoked by the mayor, or an application for a single entertainment in a hall without an annual license is disapproved.

(*By a change in the law since 1912, licenses may be revoked or suspended by the mayor and police commissioner of Boston and the chief justices of the Municipal Court of the City of Boston by a majority vote. 1915 Sp., c. 348.*)

The license in its general application does not require that policemen shall be present at all entertainments, but it does require that when detailed by the police commissioner they shall have the right to be present, and it requires further that an owner or manager "shall employ, to preserve order in his place of amusement,

only regular or special police officers designated therefor by the police commissioner, and shall pay to the police commissioner for the services of the regular police officers such amount as shall be fixed by said commissioner."

Ill-informed critics have sometimes exploited the notion that because a regular police officer is paid by the manager of a hall he is therefore under personal obligation to the manager and subservient to his interests. Nothing could be more absurd. One might as well say that the clerk of a court or the conductor of a street car is under personal obligation to a person who pays a fee or a fare.

The rule of the police department as to "paying details" makes personal obligation on the part of a policeman impossible. All such details are performed on the officer's own time and all the money earned is his. The rule directs that "paying details" shall be distributed among the men of a division as evenly as possible, and the commanding officer is required to keep a complete record and to forward a monthly report on the subject to headquarters. No manager of a hall can make requisition for a particular policeman; in fact he is usually ignorant of the identity of the policeman detailed for a particular entertainment until he reports for service. The parts of the standing rule of the department which bear particularly upon this subject are as follows:

Division commanders will require special vigilance on the part of officers detailed to dancing parties in which disorder or indecency in any form is likely to appear. . . . Officers so detailed will bear in mind . . . that they are under no obligation whatever to the owner or manager of a hall except to assist him in the preservation of order and the observance of the conditions of his license. When a breach of law calling for prosecution is committed, officers will prosecute as in any other like case. When a condition of a license or special direction from the licensing authority to licensees is violated, an officer at a hall will direct the attention of the responsible owner or manager to the matter and if necessary will assist him in stopping such violation. In all cases in which an officer observes general disorder or indecency even though no one specific act should be

such as to call for prosecution or notice to the manager, he will so report in writing to his division commander. Sergeants will include in their rounds halls at which only patrolmen are detailed, will see that they are attending to their duty and will report in writing to their division commanders any improper acts or conditions in the hall which they may observe. Division commanders will note such reports and will forward to headquarters such of them as may seem to be useful for transmission to the licensing authority. They will also inform themselves as to the general character of persons attending public dances and will report from time to time any unfavorable opinions which they may form as to those frequenting particular places and the effect of their presence and of the dancing parties themselves on the order and good morals of the locality.

Suggestions are often made as to further supervision of so-called "dance halls," but as they involve the use of agencies over which the police commissioner has no control I shall not discuss them. Few of the persons, moreover, with whom I have considered this subject from time to time have seemed able to distinguish between slang, vulgarity and bad manners on the one side, which are the unfortunate privilege, so to speak, of all who choose to indulge in them, and profane or obscene acts or words, which are forbidden by the laws. In all occupations and amusements there are many differing standards of costume, conduct and language, and men and women who obey the laws are under no compulsion, however desirable such a course on their part might be, to conform to the rules by which persons of refinement may choose to limit themselves.

HALL RULES.

The mayor of Boston has established the following additional regulations for halls in which public dancing is carried on, notifying the persons responsible for such halls that failure to observe them would result in the suspension or revocation of licenses:

1. The hall must be fully lighted at all times during the progress of a dance.

2. Smoking is prohibited except in rooms reserved for smoking.

3. A matron shall be in attendance and in charge of the ladies' room.

4. One, or as many more police officers, as may be deemed necessary by the Commanding Officer of the Division, shall be in attendance at all public dances.

5. Minors under seventeen years of age shall be admitted to the dance hall only when accompanied by parent or guardian.

6. Tables or chairs used for check lists must not be placed in corridors or on stairways so as to block egress from the hall.

7. Pass-out checks must not be issued.

8. All emergency exits, including the entries and stairways of such exits, shall be properly lighted while the hall is in use.

9. Patrons must refrain from indulging in dancing that may be construed as unrefined.

10. Disorderly persons are liable to arrest for "disturbing a public assemblage."

11. Dancing must cease at 2 A.M. on week days and 11.45 P.M. on Saturdays.

12. Under instructions of the Directors of the Musicians' Union orchestras are directed to cease playing should the representative of the Mayor see fit to order such cessation of playing.

13. Persons removing or defacing this notice will be prosecuted.

14. This notice must be posted in a conspicuous place in the hall.

PUBLIC SPEAKING IN STREETS.

[*General Order No. 528, Issued November 1, 1911, References to ordinances being revised to date.*]

Public speaking in the streets has increased to such an extent that a better understanding of its relations to the people, the law and the police is necessary. The statement which follows is not intended as an exposition of the law or as a strict rule for the police. Laws on the subject are so uncertain, and their application depends so much upon diverse conditions at different times and places, that much must be left to the discretion of individual police officers on the spot and to the good sense and public spirit of speakers and auditors. The general attitude of the police is one of noninterference with orderly gatherings at proper times and places and the protection of such gatherings from interruption in so far as protection can be afforded without neglect of the obligations of the police to the whole community.

It is to be understood that neither the police commissioner nor any other officer or official body has authority to issue a permit for public speaking in a street. There is no statute bearing directly upon the subject and no city ordinance which may be applied to it, excepting *section 36, chapter 40, of the Revised Ordinances of 1914 which, as amended by chapter 1, Ordinances of 1916*, is as follows:

"No person shall, in a street, unreasonably obstruct the free passage of foot-travellers, or wilfully and unreasonably saunter or loiter for more than seven minutes after being directed by a police officer to move on, but nothing in this section shall be construed to curtail, abridge, or limit the right or opportunity of any person to exercise the right of peaceful persuasion guaranteed by *G. L., c. 149, s. 24*, or to curtail, abridge, or limit the intendment of any statute of the Commonwealth of Massachusetts."

Public speaking in a street under proper conditions is not in itself unlawful; but as the streets are for the use of all the people it is doubtless the duty of the police to take measures to stop public speaking in a street whenever such speaking creates disorder or, in some cases, when it only tends to create disorder, or whenever it unduly obstructs the public way by causing crowds to gather. This duty the police will perform with courtesy and discretion whenever the public interest so requires. Should conditions herein described make it necessary that speaking should be stopped, the speaker will be so informed, and should he then persist he may be arrested without a warrant and prosecuted for a disturbance of the peace or for the maintenance of a common nuisance.

On the other hand, persons who choose to speak publicly in the streets are not to expect a police escort or a police guarantee that their audience will be quiet and attentive. When the police are present in the performance of their general duties or in accordance with orders from their superior officers, they will note and suppress disorderly conduct on the part of individuals; but should such conduct become general, to the detriment of the public, it may well be the duty of the police to stop the speaker even though he should not be in fault.

It is fair to assume that when speaking is in progress in a proper place and manner a person who interrupts it whether in the street or from private premises, and persists in such interruptions after warning from a police officer, is guilty of a disturbance of the peace and may therefore be arrested without a warrant.

Questions from auditors, whether voluntary or in response to an invitation from a speaker, or answers to such questions by the speaker, should be discouraged, for questions lead to controversy and controversy is likely to cause disorder or even breach of the peace. Though at proper times and in proper places a person may publicly express his own views, a public street is not a fit place for a debate, whatever the subject.

In addition to the foregoing general statement the following special points affecting speakers should be made clear:

1. The right to speak publicly in the streets does not free the speaker from legal liability for the use of profane, obscene or abusive language or of language likely to create a breach of the peace, for any of which offences he may be prosecuted.

2. Instrumental music is unlawful unless the performers have been licensed by the police commissioner.

3. For public speaking on the Common or other public grounds, or for vocal or instrumental music thereon, a permit from the mayor is required, and in the city parks a permit from the city park commissioners.

4. A person speaking publicly in the street does not acquire thereby a right to sell or distribute printed or other matter if such sale or distribution, considering time and place, would be unlawful if attempted by a person not so speaking. Free distribution is forbidden by City Ordinances, section 41, chapter 47. Sales are governed by City Ordinances, chapter 47, sections 86, 87, 88, and by the rules for hawkers and peddlers made by the police commissioner under the authority of Acts of 1907, chapter 584, section 9. (*See now Revised Ordinances of 1914, c. 40, s. 41, and c. 40, ss. 20 and 21.*)

5. In addition to the police authority herein outlined a private citizen who is disturbed in his legitimate occupations at his place of residence or of business has the right to complain to a court concerning the speaking of a certain person or persons in a particular public place on the ground that it constitutes a breach of the peace. This form of complaint cannot be used effectively by the police, but they will assist citizens who wish to employ it.

6. An individual may also petition the court at any time for an injunction restraining such speaking as being a nuisance. With this procedure, which is civil not criminal, the police have no concern.

RULES FOR HAWKERS AND PEDDLERS.

[*As amended to date.*]

In accordance with the provisions of section 9, chapter 584, Acts of 1907, I hereby designate the streets, parts of streets, and sections of the city of Boston, wherein and not elsewhere in said city, it shall be lawful for hawkers and peddlers to stop or stand for the purpose of selling merchandise; *provided*, that such hawkers or peddlers carry on their business in conformity with the laws of the Commonwealth, the ordinances of the city, and the regulations of the board of aldermen and of the board of health of the city of Boston not inconsistent with such laws or with the following rules hereby established under their authority:

1. For the purposes of these rules the area comprised within the following streets and squares and all others included within them as boundaries shall be called the "Business Section":

Haymarket square, Canal street, Causeway street, between Canal and Portland streets; Portland street, between Causeway and Chardon streets; Chardon street, Bowdoin square, Court street, Pemberton square, Somerset street, between Pemberton square and Ashburton place; Ashburton place, Bowdoin street, between Ashburton place and Beacon street; Beacon street, between Bowdoin and Park streets; Park street, Tremont street, between Park and Boylston streets; Boylston street, between Tremont and Dartmouth streets; Tremont street, between Boylston and Eliot streets; Eliot street, between Tremont and Washington streets; Washington street, between Eliot and Essex streets; Essex street, Atlantic avenue, between Essex and Clinton streets; Clinton street, between Atlantic avenue and Blackstone street; Blackstone street, between Clinton street and Haymarket square.

2. That part of the city proper lying outside the "Business Section" and north of a line formed by the tracks of the Boston & Albany Railroad and Summer street from Dewey square to Dorchester avenue shall be known as the "Restricted Territory."

3. In all parts of the city excepting the "Business Section" and the "Restricted Territory" hawkers or peddlers may carry on their business at reasonable hours subject to conditions herein prescribed, with vehicles drawn by horses, or on foot, with trays, baskets, handcarts, barrows or other easily movable appliances.

4. In the "Restricted Territory" they may carry on business at reasonable hours; but between 8 A.M. and 6.30 P.M. they may use only vehicles drawn by horses, or trays, baskets or other appliances not in the nature of stands carried by the persons using them.

5. In the "Business Section" they may carry on business only before 8 A.M., or after 6 P.M., with the following exceptions:

Between 3 P.M. and 11 P.M. on Saturdays and on the week day immediately preceding legal holidays and the seventeenth day of June in each year respectively they may stop and stand subject to the direction of the police for the sale of merchandise outside the curbstones in the following streets: Blackstone street, between Haymarket square and Clinton street, both sides; North street, between Blackstone and Union streets, west side; North street, between Blackstone and Cross streets, both sides; Merchants row, between North and North Market streets, west side; North Market street, between Commercial street and Faneuil Hall square, north side; Clinton street, between Merchants row and Fulton street, both sides.

Before 8 A.M. and after 6.30 P.M. on ordinary days and at the times and places specified in the next preceding paragraph of this rule, hawkers and peddlers in the "Business Section" may use the same kinds of vehicles and other appliances as are permitted in the same periods of the day outside the "Business Section" and the "Restricted Territory."

6. Except as specified in the second paragraph of Rule 5, no hawker or peddler, unless licensed at a designated stand by the board of street commissioners of the city of Boston in accordance with the provisions of chapter 584, Acts of 1907, shall in a public street and while offering merchandise for sale remain in one place or within 200 yards thereof for more than five minutes, unless actually engaged in selling to a purchaser. This rule shall not be so construed as to prohibit hawkers and peddlers from proceeding, as their present practice is, from house to house and stopping thereat, even should such houses be less than 200 yards apart, for the purpose of inquiring whether or not their goods are desired by the residents.

7. Hawkers and peddlers may make reasonable announcement of the merchandise which they have for sale, but loud outcries likely to disturb or annoy other persons will not be permitted at any place or time.

8. The selling of newspapers and other periodical publications at retail in the public streets shall not be restricted by these rules, except that Rule 7 shall apply to persons so engaged, and that no stand or other appliance encroaching upon a public street shall be maintained without a license from the board of street commissioners.

EDWIN U. CURTIS,
Police Commissioner for the City of Boston.

POLICE COMMISSIONERS SINCE 1878.

Because of frequent inquiries from within and without the department a list has been prepared of all police commissioners who have served since 1878, with the dates on which they assumed and relinquished office; also a schedule which gives the names of commissioners in office at any given time since that year. The police department was controlled prior to 1878 by the mayor and aldermen. The commissioners who served from July, 1878, to July, 1885, were nominated by the mayor and confirmed by the board of aldermen and the common council by concurrent vote. The commissioners who served from July, 1885, to June, 1906, were nominated by the governor and confirmed by the executive council. The act substituting a single commissioner for a board of three was passed in 1906 and became effective in June of that year, the commissioner being nominated by the governor and confirmed by the executive council.

The following are the names of persons who served as police commissioners in the city of Boston from July 8, 1878, to date:

Name.	Appointed.	Retired.
Henry S. Russell	July 8, 1878	Mar. 1, 1880
Samuel R. Spinney	July 8, 1878	May 3, 1880
James M. Bugbee	July 8, 1878	May 5, 1879
Henry Walker	May 5, 1879	April 21, 1882
Edward J. Jones	Mar. 26, 1880	April 21, 1882
Thomas J. Gargan	May 3, 1880	April 21, 1882
Thomas L. Jenks	April 22, 1882	July 24, 1885
Nathaniel Wales	April 22, 1882	July 7, 1885
Benjamin D. Burley	April 22, 1882	May 6, 1888
Michael P. Curran	May 7, 1883	July 24, 1885
Albert T. Whiting	July 24, 1885	May 6, 1895

Name.	Appointed.	Retired.
William H. Lee	July 24, 1885	May 28, 1894
William M. Osborne	July 24, 1885	April 30, 1893
Robert F. Clark	May 1, 1893	May 4, 1903
Augustus P. Martin	May 28, 1894	May 1, 1899
Charles P. Curtis, Jr.	May 6, 1895	May 1, 1905
Harry F. Adams	May 1, 1899	June 4, 1906
William H. H. Emmons	May 4, 1903	June 4, 1906
Charles H. Cole, Jr.	May 1, 1905	June 4, 1906
*Stephen O'Meara	June 4, 1906	Dec. 14, 1918
Edwin U. Curtis	Dec. 30, 1918	.....

The following schedule shows the commissioners in office by periods, the name of the chairman appearing first in each group:

July 8, 1878, to May 5, 1879	Russell. Spinney. Bugbee.
May 5, 1879, to March 1, 1880	Russell. Spinney. Walker.
March 1, 1880, to March 26, 1880	Spinney. Walker.
March 26, 1880, to May 3, 1880	Walker. Spinney. Jones.
May 3, 1880, to April 21, 1882	Walker. Jones. Gargan.
April 22, 1882, to May 6, 1883	Jenks. Wales. Burley.
May 7, 1883, to July 7, 1885	Jenks. Wales. Curran.

* Died in office.

July 7, 1885, to July 24, 1885 . . .	Jenks. Curran.
July 24, 1885, to April 20, 1893 . . .	Whiting. Lee. Osborne.
May 1, 1893, to May 28, 1894 . . .	Whiting. Lee. Clark.
May 28, 1894, to May 6, 1895 . . .	Martin. Whiting. Clark.
May 6, 1895, to May 1, 1899 . . .	Martin. Clark. Curtis.
May 1, 1899, to May 4, 1903 . . .	Clark. Curtis. Adams.
May 4, 1903, to May 1, 1905 . . .	Emmons. Curtis. Adams.
May 1, 1905, to June 4, 1906 . . .	Cole. Adams. Emmons.
June 4, 1906, to December 14, 1918 . .	O'Meara.
December 30, 1918, to date . . .	Curtis.

THE POLICE AND THE INSANE.

The problem of the police in dealing with persons apparently insane, or charged by others with insanity, is often difficult.

A person who complains to the police of peculiar actions of another in public or in private is usually surprised and often angry when informed that a police officer can do nothing at the time towards restraining the person complained of further than to assist members of his family, or others legally interested in securing his commitment by process lawfully issued from a court.

It should be remembered always that the laws relating to insanity which are now in force in civilized countries are intended quite as much for the protection of the person accused as to insure the safety of the community. In this respect they represent the reaction from the times not long past when lack of safeguards resulted in the incarceration and abuse of many persons who were either sane or so little unbalanced that they should never have been shut up in asylums.

Were an officer to take into custody without a warrant a person who had become insane, though apparently not in a dangerous degree, he would expose himself to the risk of a civil suit for illegal arrest; for insanity in itself is neither a crime nor a just ground for arrest. On the contrary, should he allow the insane person to go, the officer might incur public criticism and, should the person become dangerous thereafter, public condemnation.

As the law now stands, the right of a policeman to restrain an insane person of his liberty solely on the ground of his insanity is no greater than that of any private citizen. A policeman may, of course, arrest without a warrant in any case in which in the absence of insanity he has the right to arrest. That is to say,

he may arrest an insane person as well as a sane person who is committing a crime or misdemeanor of such a character that under the law an arrest without a warrant is authorized. Once under lawful arrest, however, any court before whom the person is brought may order that he be examined as to his sanity.

Without a warrant an officer may arrest a person who is so insane as to be dangerous to himself or to others. This right, however, is founded only on reasonable necessity and it ceases with the necessity. (See Look *v.* Dean, 108 Mass. 116.) A private citizen has the right to arrest under similar conditions, but he as well as the officer must be able to justify his acts by showing a reasonable necessity. Such necessity cannot be shown where it appears merely that a person is insane, for many persons are insane who at the same time are perfectly harmless. (Look *v.* Dean, 108 Mass. 16.)

Unless a person at the time of his apprehension is so insane as to require immediate action by the police, he should be dealt with according to G. L., c. 123, ss. 50–61, inclusive, which sections provide for the commitment of a person who is insane after application has been made to a court of competent jurisdiction and a hearing has been given upon the application.

Where a person has become dangerously insane, G. L., c. 123, s. 78, provides that any person may make application for the commitment of such insane person, when the case is certified by two physicians, qualified as provided in section 53, to be one of violent and dangerous insanity, which certificate may be filed with the judge of a court having jurisdiction. In such case the superintendent of police is required upon request of either the applicant or of one of the certifying physicians to cause the arrest and delivery of such insane person to the superintendent or manager of any insane hospital without the order of a judge. The certificate by the physicians must be under oath and to the effect that they are graduates of a legally chartered medical school or college, that they have for three years since graduation been in actual practice of

medicine and for the three years last preceding the making of such oaths, and that they are registered in accordance with the provisions of G. L., c. 112. Provision is also made for liability in the event of failure to make such application after a person has been committed pursuant to this section.

G. L., c. 123, s. 79, also provides that the superintendent of any institution for the insane may receive, for temporary care for not exceeding ten days, any person needing immediate care because of mental derangement other than delirium tremens or drunkenness on the written application of a physician, a member of the board of health, a selectman or a police officer of a town, by an agent of the Institutions Registration Department of Boston, or by a member of the state police, together with a statement in a form prescribed or approved by the State Department of Mental Diseases, giving such information as that department deems appropriate. Any such patient, deemed by the superintendent or manager of any institution for the insane not suitable for such care, shall, upon the request of the superintendent or manager, be removed forthwith from the institution by the person requesting his reception. The superintendent or manager shall cause every such patient either to be examined by two physicians qualified as provided in s. 53, who shall cause application to be made for his admission or commitment to such institution, or to be removed therefrom before the expiration of said period of ten days, unless he signs a request to remain thereafter, under s. 86. There are further provisions for failure to make application for such admission or commitment.

The only cases then in which a police officer appears to have any fairly defined right in making the arrest of an insane person not under commitment without warrant issued from a court are:

1. Where the alleged insane person is violating a law for which violation he may be arrested without a warrant.

2. Where the arrest can be justified by necessity on the ground that the person arrested is so insane as to be dangerous to himself or to others.

3. Upon application by one of the physicians or the applicant for the commitment of any person when the person is alleged to be suffering from violent and dangerous insanity, under G. L., c. 123, s. 78, as referred to before.

In addition, however, any officer authorized to serve criminal process may arrest without a warrant and return any patient of an institution, as defined in G. L., c. 123, s. 1, who has escaped (G. L., c. 123, s. 95); or, under s. 88 of the same chapter, may cause such patient who is on leave of absence, in accordance with said section, to be arrested and returned to the institution, upon the request of the superintendent or manager of the institution, or of a guardian, relative or friend of the patient.

POLICE PENSIONS AND BENEFITS.

The provisions of law relating to retirement on pension in the Boston police department are found in the following statutes: 1887, chap. 178; 1892, chap. 353; 1893, chap. 51; 1898, chap. 172; 1900, chap. 306; 1903, chap. 312; 1904, chap. 402, accepted by City Council, Dec. 27, 1917; 1913, chap. 770; 1920, chap. 6.

As these acts were passed at different times and were largely amendatory, one of another, their present meaning can be ascertained only after careful study; an informal summary of the pension provisions now in effect is therefore given below:

1. Without regard to the length of his service, any member of the force shall be retired by the police commissioner, with the approval of the mayor of Boston, on written certificate of the physician to the board of health that the member is permanently incapacitated for police service, either mentally or physically, by injuries received in the actual performance of his duty. If retired, his annual pension shall be one-half of the amount of compensation received by him at the time of his retirement.

Under no other conditions is it possible for a member of the force, except a soldier or sailor who served during the war of the rebellion and has reached the age of sixty years, to be retired with a pension unless his police service has covered at least fifteen consecutive years.

2. Any member of the force who has served fifteen consecutive years and less than twenty years, and is certified by the physician to the board of health to be permanently incapacitated for police service, either mentally or physcially, may be retired by the police commissioner, with the approval of the mayor; and his pension shall be an amount not exceeding one-third

the annual salary or compensation of the office from which he is retired, as the commissioner may determine.

3. Any member of the force who has served twenty years or longer, if in the judgment of the commissioner such officer is incapacitated for useful service, may be retired by the police commissioner, with the approval of the mayor; and his pension shall be one-half of the amount of compensation received by him at the time of retirement.

4. Any member of the force, with the exception noted hereafter, who has reached the age of sixty-five years shall be retired by the police commissioner, if the mayor approve; and his pension shall be one-half of the amount of compensation received by him at the time of retirement.

Soldiers and sailors who served during the war of the rebellion, and who have received an honorable discharge, shall not be retired at the age of sixty-five years except at their own request.

On the other hand, such soldier or sailor who has reached the age of sixty years, without regard to the length of his service, or has served twenty years, without regard to his age, shall be retired, should he so request, with a pension of one-half of the amount of compensation received by him at the time of his retirement.

5. Any member of the force in good standing who has reached the age of sixty years and has served not less than twenty-five years shall be retired, should he so request, by the police commissioner; and the amount of his annual pension shall be one-half of the yearly compensation received by him at the time of his retirement.

The provisions of the preceding section apply also to members of the police signal service, engineers and firemen serving in the department.

WIDOWS AND ORPHANS.

Chapter 178, Acts of 1887, as amended by Chapter 93 of the Special Acts of 1919, accepted by the City Council December 9, 1919, and by St. 1920, Chap. 68, provides that if any member of the police department shall die

from injuries received while in the discharge of his duty and shall leave a widow, or if no widow any child or children under the age of sixteen years, a sum not exceeding $600 may be paid by the city of Boston as an annuity to such widow so long as she remains unmarried, or for the benefit of such child or children so long as he or they continue under the age of sixteen years, and the police commissioner may from time to time determine the amount of such annuity within said limits.

The usual procedure under this act is that the widow or the orphan petitions the city council for an annuity, and should an order granting it be passed and approved by the mayor, the police commissioner by investigation, and if deemed necessary, after a hearing, determines the amount to be paid; and such amount may be changed from time to time at his discretion.

POLICE CHARITABLE FUND.

The police charitable fund, which amounts to a sum in excess of two hundred thousand dollars, is in the custody of the treasurer of the city of Boston. The income only is expended by the police commissioner, with the approval of the mayor, for the relief of persons who have received an honorable discharge from the police force because of sickness, age or disability, and are in consequence of such disability in necessitous circumstances; and for the relief of widows and orphans in necessitous circumstances; of police officers who have died while in the service or from the effects of injuries received in the execution of their duty.

POLICE RELIEF ASSOCIATION.

The Boston police relief association is a voluntary organization composed of members of the police force and of former members now retired who were members of the association when in active service. It pays to members one dollar a day during sickness, to a member on the death of his wife $100, and to a designated beneficiary or to the legal heirs of a deceased member $1,000 on his death.

OTHER LEGISLATION.

G. L., c. 32, s. 86, provides as follows: "Any police officer, lawfully retired and pensioned after the nineteenth day of May, nineteen hundred and thirteen, who accepts another appointment or employment as a police officer or police official in any city or town, shall not receive a pension during such time as he shall hold the new appointment or employment."

G. L., c. 32, s. 90, provides, in substance, that no person, while receiving a pension or an annuity from the Commonwealth or from any county, city or town, shall, after the date of the first payment of such annuity or pension, be paid for any service rendered to the Commonwealth, county, city or town which pays such pension or annuity, except for jury service or for service rendered in an emergency under section 68, 69 or 83 of said chapter, or for service in a public office to which he has been elected by the direct vote of the people.

AREA AND POPULATION WITHIN THE JURISDICTION OF THE DEPARTMENT.

Area of Boston. (Land)	There are 45 7/10 square miles, including islands, not including water.
Area of Boston. (Water)	Water area is 50 7/10 square miles, to the 3-mile limit. The water beyond 3-mile limit, within jurisdiction of Boston, would be 8 square miles additional, making the real water area of Boston approximately 58 7/10 square miles. TOTAL AREA, 100 to 105 square miles.
Streets.	There are about 600 miles of public streets and about 300 miles of unaccepted streets. Total, about 900 miles.
Population.	In the year 1920, the total population was 747,923.

INDEX.

Note.—This index is not designed to cover all possible matters of reference. It is intended only to give to the person using it a clue to the place or the places where he may find the information which he seeks.

Matters of law, as distinct from police rules, are not covered in the index except in special cases. But the summary of statutes bearing on police and police duties, printed on pages 29 to 40 of this manual, has been made as nearly complete as possible; and in a general way has been arranged by topics.

The important subjects treated in the pocket manual furnished to all members of the department must also be kept in mind.

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